

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-95IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JUNE 20, 2003*Codification
District of
Columbia
Official Code*

2001 Edition

2003 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, Title 47 of the District of Columbia Official Code to provide an exemption up to \$800,000 over a 60-month period from sales and use taxes on the sales of tangible personal property related to the renovation and operation of the Lincoln Square Theater.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Lincoln Square Theater Sales and Use Tax Exemption Emergency Act of 2003".

Sec. 2. Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new chapter designation "Chapter 46. Special Tax Incentives."

(b) A new chapter 46 is added to read as follows:

"Chapter 46. Special Tax Incentives.

"Sec.

"47-4601. Lincoln Square Theater sales and use tax exemption.

"§ 47-4601. Lincoln Square Theater sales and use tax exemption.

"Beginning June 1, 2003, and ending May 31, 2008, sales of tangible personal property, not to exceed the aggregate amount of \$800,000, to be incorporated into or consumed in the renovation of the Lincoln Square Theater shall be exempt from taxation under Chapter 20 and Chapter 22. For the purposes of this section, the term "Lincoln Square Theater" means an 8-screen motion picture theater consisting of approximately 1,100 seats and comprising approximately 40,000 square feet, located in square 374, lot 22, in the District of Columbia and owned and operated by Silver Cinemas Acquisition Company."

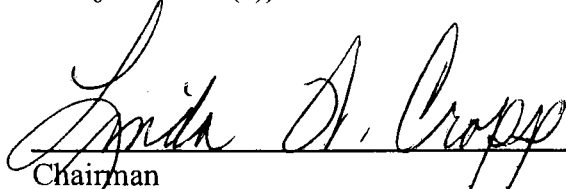
ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

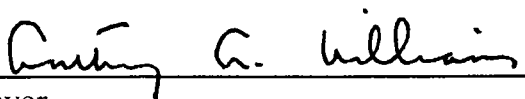
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 20, 2003

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Chief Financial OfficerNatwar M. Gandhi
Chief Financial OfficerMEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer

DATE: February 27, 2003

SUBJECT: Fiscal Impact Statement: "Lincoln Square Theater Sales and Use Tax Exemption Act of 2003"

REFERENCE: Draft Legislation - No Bill Number Available

Conclusion

Funds are sufficient in the FY 2003 through FY 2006 budget and financial plan to implement the Lincoln Square Theater Sales and Use Tax Exemption Act of 2003. The proposed tax exemption would be funded from reserves held for the Commercial Revitalization Program administered by the Deputy Mayor for Planning and Economic Development.

Background

The proposed legislation provides a temporary exemption from sales and use taxes on sales of tangible personal property up to \$800,000 for the new Lincoln Square Theater, located on Lot 0022 Square 0347 in the District. The abatement would commence in June 2003 and end 60 months later, in FY 2008.

Financial Plan Impact

Funds are sufficient in the FY 2003 through FY 2006 budget and financial plan. Money from the Commercial Revitalization Program has been identified to pay for this tax exemption. The proposed exemption would cost \$533,333 between FY 2003 through FY 2006. The remainder of the \$800,000 assistance would occur in FY 2007 and FY 2008.

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-96

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 20, 2003

To provide, on an emergency basis, the details of the purpose for the expenditure of \$33.5 million from the fiscal year 2003 reserve funds.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "June Use of the Reserve Emergency Act of 2003".

Sec. 2. Pursuant to section 113 of the District of Columbia Appropriations Act, 2002, approved December 21, 2001 (Pub. L. No. 107-96; 115 Stat. 923), the Council approves the expenditure of \$33.5 million from the fiscal year 2003 reserve funds, of which an amount not to exceed \$33.5 million shall be made available to the Department of Health for the Health Care Safety Net.

Sec. 3. Fiscal impact statement.

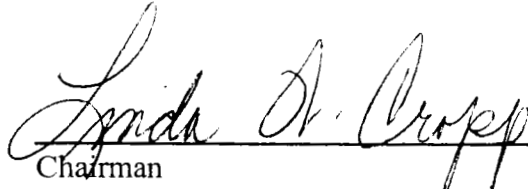
The use of the Reserve funds is already incorporated into the District's budget and financial plan and, therefore, the enactment of this legislation has no fiscal impact.

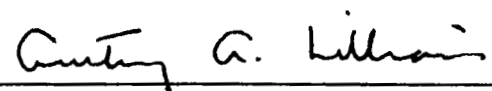
Sec. 4. Effective date.

This act shall take effect immediately following approval by the Mayor (or in the event of veto by the Mayor, action by Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (97 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
June 20, 2003

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-97IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JUNE 20, 2003*Codification
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To impose, on an emergency basis, due to Congressional review, a freeze on within-grade salary increases for employees of agencies, offices, and instrumentalities of the District of Columbia government for the remainder of the fiscal year ending September 30, 2003; to amend section 47-368.01(b) of the District of Columbia Official Code to allow for the transfer of revenue in certain dedicated funds to the General Fund of the District of Columbia; and to reallocate funds from the budget reserve to cover revenue shortfalls.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2003 Budget Support Congressional Review Emergency Act of 2003".

TITLE I. FREEZE OF WITHIN-GRADE SALARY INCREASES

Sec. 101. Short title.

This title may be cited as the "Freeze of Within-Grade Salary Increases Emergency Act of 2003".

Sec. 102. Definitions.

For the purposes of this title, the term:

(1) "Agency" means any agency, office, or instrumentality of the District of Columbia government, including independent and subordinate agencies, as defined in section 301(13) and (17) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-603.01(13) and (17)) ("CMPA").

(2) "Personnel authority" means an individual with the authority to administer all or part of a personnel management program as provided in sections 301(14) and 406 of the CMPA.

(3) "Within-grade salary increase" means the advancement of an employee's basic rate of pay to the next higher step or other increment within the same grade, class, or pay level based on quality or length of service or both, without regard to whether this or another term is used to describe the advancement.

Sec. 103. Freeze of within-grade salary increases.

(a) Notwithstanding any other provision of law, collective bargaining agreement, or regulation, as of the effective date of this title, no employee of any agency shall receive a within-grade salary increase during the remainder of the fiscal year ending September 30, 2003.

(b) Time in a non-pay status shall be included in computing an employee's waiting

ENROLLED ORIGINAL

period for a within-grade salary increase under title XI of the CMPA or other applicable law or regulation, unless this title is amended.

Sec. 104. Rules.

To the extent authorized by the CMPA or other applicable law or regulation, each personnel authority may issue regulations to implement this title.

Sec. 105. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Fiscal Year Budget Support Amendment Act of 2003 (D.C. Act 15-543), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE II. OTHER-TYPE FUNDS TRANSFER

Sec. 201. Short title.

This title may be cited as the "Other-Type Funds Transfer Emergency Act of 2003".

Sec. 202. Section 47-368.01(b) of the District of Columbia Official Code is amended as follows: Note,
§ 47-392.02

(a) Designate the existing text as paragraph (1).

(b) A new paragraph (2) is added to read as follows:

"(2) Notwithstanding any other provision of law, including the dedication of funds to a particular use, in addition to the transfers authorized in paragraph (1) of this subsection, \$25,310,000 in fiscal year 2003 may be transferred to the General Fund of the District of Columbia from the following Other-Type Funds and in the following amounts:

Fund Title	Amount
Nuisance Abatement	\$2,300,000
Real Estate Guarantee and Education Fund	700,000
Master Business License Fee	1,500,000
Land Acquisition and Housing Development Opportunity Fund	850,000
DC Recycling Program	1,000,000
International Registration Program Fund	1,000,000
ABRA Administration	460,000
Medicaid Reserve	13,229,000
FY 02 Budgeted Reserves	4,271,000

ENROLLED ORIGINAL

Sec. 203. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Fiscal Year Budget Support Amendment Act of 2003 (D.C. Act 15-543), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE III. REALLOCATION OF PRIOR BUDGETED RESERVE FUNDS

Sec. 301. Short title.

This title may be cited as the "Reallocation of Prior Budgeted Reserve Funds Emergency Act of 2003".

Sec. 302. Pursuant to section 47-392.02(j)(3) of the District of Columbia Official Code, during fiscal year 2003, the District of Columbia hereby reallocates \$23,729,000, from prior year allocations from the budget reserve, for the purpose of covering revenue shortfalls within the District. These funds shall be reallocated from the following remaining unexpended balances:

Purpose	Amount	Fiscal Year
FY2002 Revenue Shortfall	\$21,000,000	2001
Summer Youth Program	368,000	2002
Sales Tax Holiday	399,000	2002
Workforce Investment	1,962,000	2002

Sec. 303. Fiscal impact statement.

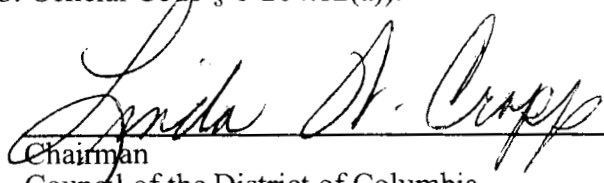
The Council adopts the fiscal impact statement in the committee report for the Fiscal Year Budget Support Amendment Act of 2003 (D.C. Act 15-543), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

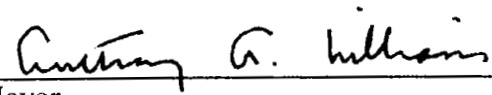
TITLE IV. EFFECTIVE DATE

Sec. 401. This act shall take effect following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia

ENROLLED ORIGINAL

in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED
June 20, 2003

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-98

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JUNE 20, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2003 Fall
Supp.

West Group
Publisher

To amend, on an emergency basis, the District of Columbia Election Code of 1955 to allow the District of Columbia Board of Elections and Ethics ("Board") to waive, for good cause, the requirement that the names of nominees for presidential electors be filed with the Board by the close of business on September 1 of each presidential election year.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Presidential Elector Deadline Waiver Emergency Amendment Act of 2003".

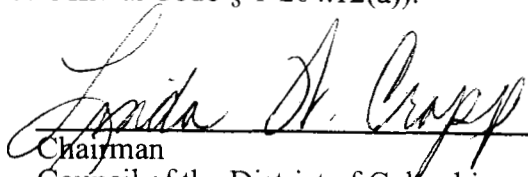
Sec. 2. Section 8(d) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 701; D.C. Code § 1-1001.08(d)), is amended by striking the phrase "next preceding a presidential election" and inserting the phrase "next preceding a presidential election, unless the deadline is waived for good cause, by the Board" in its place.

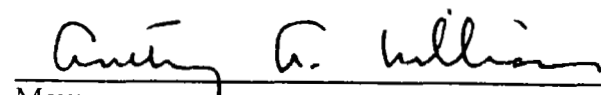
Note,
§ 1-1001.08

Sec. 3. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 2, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. This act shall take effect following approval by the Mayor (or in event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED

June 20, 2003

Codification District of Columbia Official Code, 2001 Edition

West Group Publisher, 1-800-228-2180.

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR FISCAL IMPACT STATEMENT

	Type: Emergency (<input checked="" type="checkbox"/>) Temporary (<input type="checkbox"/>) Permanent (<input type="checkbox"/>)	Date Reported: May 2003
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Subject/Short Title: "Presidential Elector Deadline Waiver Emergency Amendment Act of 2003"

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(x)
a) It will affect local expenditures.	()	(x)
b) It will affect federal expenditures.	()	(x)
c) It will affect private/other expenditures.	()	(x)
d) It will affect intra-District expenditures.	()	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(x)
a) It will impact local revenue.	()	(x)
b) It will impact federal revenue.	()	(x)
c) It will impact private/other revenue.	()	(x)
d) It will impact intra-District revenue.	()	(x)
Explanation:		
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	()	(x)

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet, if necessary.

	YES	NO
1. It will affect an agency and/or agencies in the District. The proposed legislation would affect the District of Columbia Board of Elections and Ethics. The proposed amendment would allow the Board to waive, for good cause, the requirement that the names of nominees for presidential electors be filed with the Board by the close of business on September 1 of each presidential election year.	(x)	()
2. Are there performance measures/output for this bill?	()	(x)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted? The proposed legislation allows the Board to waive the current deadline, by which, political parties in the District of Columbia must file the names of nominees for presidential electors, as well as the names of the parties' candidates for the offices of President and Vice-President. Currently, the Board lacks the ability to waive this statutory deadline. This situation may pose a hardship for those political parties whose candidates for presidential electors are not named in time for their local committees to complete and submit the requisite filings.	(x)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year? The proposed emergency legislation simply allows the Board of Elections and Ethics to waive the deadline by which political parties must file the names of nominees for presidential electors. The proposed change has no fiscal impact. This change would not impose additional costs on the District of Columbia Board of Elections and Ethics..	(x)	()

Sources of information: Staff	Councilmember: Vincent B. Orange, Sr.
	Staff Person & Tel: Donna M. Cooper (202) 724-8035
	Council Budget Director's Signature: <i>AD BQAW</i>

5/21/03

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-99IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JUNE 20, 2003*Codification
District of
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Official Code*

2001 Edition

2003 Fall
Supp.West Group
Publisher

To amend, on a temporary basis, the District of Columbia Campaign Finance Reform and Conflict of Interest Act to allow members of the Board of Education to receive honoraria without restriction.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Honoraria Temporary Amendment Act of 2003".

Sec. 2. Section 801(a) of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, effective October 18, 1989 (D.C. Law 8-41; D.C. Official Code § 1-1108.01(a)), is amended by striking the phrases "or of the Board of Education" and "or a member of the Board of Education".

*Note,
§ 1-1108.01*

Sec. 3. Fiscal impact statement.

This act will have no fiscal impact. It amends a limitation as to honoraria received by members of the Board of Education. It does not amend the requirement to report to the Office of Campaign Finance pursuant to section 602(a) of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 467; D.C. Official Code § 1-1106.02(a)), and therefore has no effect on the Office's workload.

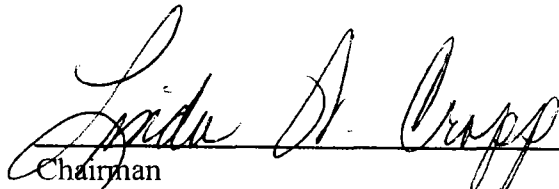
Sec. 4. Effective date.

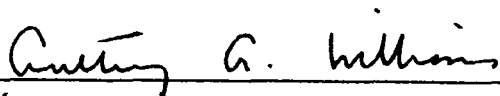
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
June 20, 2003

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-100

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 20, 2003

Codification
District of
Columbia
Official Code

2001 Edition

2003 Fall
Supp.West Group
Publisher

To amend, on a temporary basis, the Lead-Based Paint Abatement and Control Act of 1996 to change exemptions and increase criminal and civil penalties and fines for violations to match federal standards; to amend the Housing Regulations of the District of Columbia to require notice to the Department of Health of peeling paint in older housing businesses; and to amend section 806 of Title 20 of the District of Columbia Municipal Regulations to make technical amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Lead-Based Paint Abatement and Control Temporary Amendment Act of 2003".

Sec. 2. The Lead-Based Paint Abatement and Control Act of 1996, effective April 9, 1997 (D.C. Law 11-221; D.C. Official Code § 8-115.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 8-115.01) is amended as follows:

Note,
§ 8-115.01

(1) Paragraph (2) is amended by striking the number "8" and inserting the number "6" in its place.

(2) Paragraph (8) is amended by striking the phrase "seven-tenths of a milligram per square centimeter (0.7 mg/cm²)" and inserting the phrase "one milligram per square centimeter (1.0 mg/cm²)" in its place.

(3) A new paragraph (12) is added to read as follows:

"(12) "0-bedroom unit" means any residential unit in which the living areas are not separated from the sleeping areas."

(b) Section 5 (D.C. Official Code § 8-115.04) is amended as follows:

Note,
§ 8-115.04

(1) Paragraph (1) is amended by striking the number "8" and inserting the number "6" in its place.

(2) Paragraph (2) is amended by striking the number "8" and inserting the number "6" in its place.

(c) Section 8(a) (D.C. Official Code § 8-115.07(a)) is amended by striking the phrase "individuals, except governmental agencies." and inserting the phrase "individuals." in its place.

Note,
§ 8-115.07

ENROLLED ORIGINAL

(d) Section 13(a) (D.C. Official Code § 8-115.12(a)) is amended to read as follows:

Note,
§ 8-115.12

"(a) Notwithstanding any other provision of this act, any person who knowingly or willfully violates sections 4, 6, 7, or 8, or the implementing rules and regulations, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not more than \$25,000, imprisonment of not more than one year, or both."

(e) Section 14(a) (D.C. Official Code § 8-115.13(a)) is amended by striking the phrase "\$500" and inserting the phrase "\$25,000" in its place.

Note,
§ 8-115.14

Sec. 3. The Housing Regulations of the District of Columbia, issued August 11, 1955 (C.O. 55-1503; 14 DCMR Chapters 1-13), are amended as follows:

DCMR

(a) Section 1102 (14 DCMR § 199.1) is amended by amending the definition for the term "exterior surface" by striking the number "8" and inserting the phrase "six (6)" in its place.

(b) Section 2605.2 (14 DCMR §§ 707.8-707.12) is amended by striking the number "8" and inserting the phrase "six (6)" in its place.

(c) Section 2605.3 (14 DCMR §§ 707.13-707.14) is amended as follows:

(1) Strike the phrase "0.5 of 1 percent or more of the total weight of the materials or 0.7 milligrams or more per square centimeter (0.7 mg/cm²)" and insert the phrase "five-tenths of one percent (0.5%) or more of the total weight of the materials or one milligram per square centimeter (1.0 mg/cm²)" in its place.

(2) Strike the number "8" wherever it appears and insert the phrase "six (6)" in its place.

(d) Section 2605.4 (14 DCMR §§ 707.3-707.4) is amended as follows:

DCMR

(1) Strike the number "8" wherever it appears and insert the phrase "six (6)" in its place.

(2) Strike the phrase "0.5 of 1 percent of the total weight of the material or more than 0.7 milligrams per square centimeter (0.7 mg/cm²)" wherever it appears and insert the phrase "five-tenths of one percent (0.5 %) of the total weight of the material or more than one milligram per square centimeter (1.0 mg/cm²)" in its place.

(e) Section 2605a(a) (14 DCMR §§ 707.15-707.16) is amended by striking the number "8" wherever it appears and inserting the phrase "six (6)" in its place.

(f) A new section 3103.6 (14 DCMR § 201.6) is added to read as follows:
"3103.6 The Director of the District agency responsible for enforcement of the housing regulations shall report to the Director of the District agency responsible for health regulations the presence of peeling paint on the interior or exterior surfaces of any housing business built before 1978, and licensed under this chapter, excluding hotels and motels."

Sec. 4. Section 806.1(e)(3) of Title 20 of the District of Columbia Municipal Regulations (February 1997) (20 DCMR § 806.1(e)(3)) is amended by striking the phrase "If performing clearance tests, the" and inserting the word "The" in its place.

ENROLLED ORIGINAL

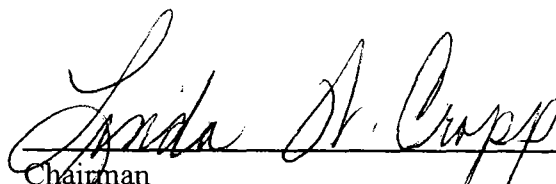
Sec. 5. Fiscal impact statement.

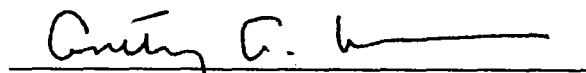
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED
June 20, 2003

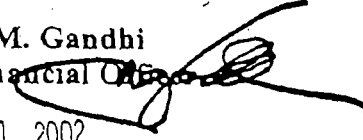
Government of the District of Columbia
Office of the Chief Financial Officer



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer 

DATE: APR - 1 2002

SUBJECT: Fiscal Impact Statement: "Lead-Based Paint Abatement and Control Amendment Act of 2002"

REFERENCE: Draft Legislation - Bill Number Not Available

Conclusion

Funds are sufficient in the FY 2002 through FY 2005 budget and financial plan because implementation of the proposed legislation would not require any additional funds or resources. The proposed legislation would have a potential, minimal positive impact on general fund revenue.

Background

The proposed legislation would increase fines to match federal limits and would align District regulations with federal lead-based paint regulations. These changes are necessary to demonstrate that the District program is at least as protective of human health as the federal program and provides adequate enforcement. Enactment of the proposed legislation would enable the District to obtain final delegation of enforcement of the lead-based paint provisions of the Toxic Substances Control Act (Pub. L. 94-469, Oct. 11, 1976, 90 Stat. 2003; 15 U.S.C. § 2601 *et seq.*). These regulations define the manner in which lead-based paint in occupied buildings must be treated to reduce the exposure of children to lead poisoning.

Failure to implement the proposed changes may result in denial of the application to obtain final delegation of the federal lead-based paint regulations and the potential loss of approximately \$400,000 in federal grant funds that the District now receives.

Honorable Linda W. Cropp
FIS: Draft: "Lead-Based Paint Abatement and Control
Amendment Act of 2002"
Page 2 of 2

Financial Plan Impact

Funds are sufficient in the FY 2002 through FY 2005 budget and financial plan because the District is not expected to incur any additional expenditures as a result of the proposed legislation. The proposed legislation is expected to generate revenue from increased fines ranging between \$23,700 and \$57,500 in FY 2002 through FY 2005. The exact amount of revenue cannot be determined because the fine assessed ranges from the proposed statutory minimums of \$250 and \$500 to a high of \$25,000.

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-101

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 20, 2003*Codification
District of
Columbia
Official Code*

2001 Edition

2003 Fall
Supp.West Group
Publisher

To accept the dedication of land located, in Ward 5, between Bladensburg Road, N.E., South Dakota Avenue, N.E., and New York Avenue, N.E., as public streets, and to designate the streets as "Commodore Joshua Barney Drive, N.E.", "Fort Lincoln Drive, N.E.", and "Lincoln Drive North, N.E.".

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Dedication and Designation of Commodore Joshua Barney Drive, N.E., Fort Lincoln Drive, N.E., and Lincoln Drive North, N.E., Act of 2003".

Sec. 2. (a) Pursuant to section 302(c) of the Street and Alley Closing and Acquisition Procedures Act of 1982 ("Act"), effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-203.02(3)), the Council accepts the dedication, in fee simple absolute, of land necessary to create Commodore Joshua Barney Drive, N.E., Fort Lincoln Drive, N.E., and Lincoln Drive North, N.E., all in Square 4325, bounded by Bladensburg Road, N.E., South Dakota Avenue, N.E., and New York Avenue, N.E., as shown on the Surveyor's plat filed under S.O. 00-98. Note,
§ 9-203.03

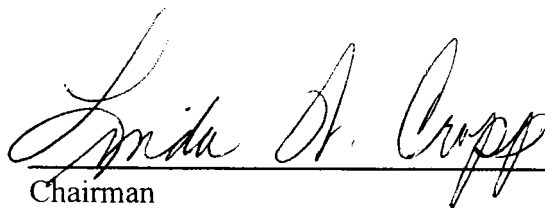
(b) Pursuant to sections 401 and 405 of the Act, the streets created by the dedication of the land referenced in subsection (a) of this section shall be designated as "Commodore Joshua Barney Drive, N.E.", "Fort Lincoln Drive, N.E.", and "Lincoln Drive North, N.E.", as shown on the Surveyor's plat filed under S.O. 00-98.

Sec. 3. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602 (c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

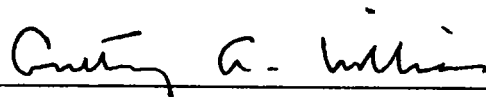
Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
June 20, 2003

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-102

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 20, 2003

To approve, on an emergency basis, the acceptance and use of grants not appropriated in the District of Columbia Appropriations Act, 2003.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "June Budget Modifications for FY 2003 Grant Funds Approval Emergency Act of 2003".

Sec. 2. Pursuant to section 119 of the District of Columbia Appropriations Act, 2003, approved February 20, 2003 (Pub. Law 108-7; 117 Stat. 11), the acceptance and use of the following grants are hereby approved:

Agency	Grant #	Phase	Type	Description	Reason for Request	Amount
DC Public Schools	000EJZ	02	Federal	Migrant Education Program	Carryover Amount from FY 2002	\$ 323,016
DC Public Schools	000EGZ	03	Federal	Migrant Education Program	Grant Amount is Less Than the Estimated Amount in the Budget	\$ (72,524)
DC Public Schools	000EBZ	02	Federal	Title I: Neglected and Delinquent	Carryover Amount from FY 2002	\$ 248,630
DC Public Schools	000ECZ	03	Federal	Title I: Neglected and Delinquent	Decrease Congressional Budget	\$ (10,216)
DC Public Schools	000EFZ	03	Federal	Title I: Neglected and Delinquent	Decrease Congressional Budget	\$ (19,424)

ENROLLED ORIGINAL

Agency	Grant #	Phase	Type	Description	Reason for Request	Amount
DC Public Schools	000EBZ	03	Federal	Title I: Neglected and Delinquent	Grant Amount is Less Than the Estimated Amount in the Budget	\$ (255,056)
DC Public Schools	000EJZ	03	Federal	Migrant Education Program	Decrease to Match Grant Award	\$ (483,186)
DC Public Schools	000STW	02	Federal	School-to-Work	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 1,280,216
DC Public Schools	000FGZ	02	Federal	Technology Prep Education	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 210,857
DC Public Schools	000EKZ	02	Federal	Title I—Capital Expense Private Schools	Carryover Amount from FY 2002	\$ 36,130
DC Public Schools	000CRN	02	Federal	Occupational & Employment Information	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 23,814
DC Public Schools	000MAR	02	Federal	Comprehensive School Grant—Project OMAR	Carryover Amount from FY 2002	\$ 216,416
DC Public Schools	000ZAF	03	Federal	Head Start	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 936,489
DC Public Schools	000QDG	02	Federal	Bilingual Ed—Teachers & Personnel Grants	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 143,543
DC Public Schools	000RIT	02	Federal	School Renovation—IDEA & Technology	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 4,532,975
DC Public Schools	000SER	03	Federal	Project SERV—School Emergency Response to Violence	New Grant	\$ 100,000
DC Public Schools	000LAP	03	Federal	English Language Acquisition	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 72,630

ENROLLED ORIGINAL

Agency	Grant #	Phase	Type	Description	Reason for Request Amount	
DC Public Schools	000LAS	03	Federal	English Language Acquisition	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 51,000
DC Public Schools	000LAL	03	Federal	English Language Acquisition	Grant Amount is Less Than the Estimated Amount in the Budget	\$ (81,609)
DC Public Schools	000QBA	02	Federal	Emergency Immigration Education Program	Carryover Amount from FY 2002	\$ 244,850
DC Public Schools	000REA	02	Federal	Reading Excellence Program	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 1,545,879
DC Public Schools	000HNP	02	Federal	Safe Schools, Healthy Students	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 222,101
DC Public Schools	000JBM	02	Federal	Special Education—Preschool Grants	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 226,577
DC Public Schools	000JBD	02	Federal	Special Education—Grants to States	Carryover Amount from FY 2002	\$ 895,525
DC Public Schools	000JCB	02	Federal	Transitional Services for Youth	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 72,965
DC Public Schools	000HNP	03	Federal	Safe School, Healthy Students	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 91,860
DC Public Schools	000CSR	02	Federal	Class Size Reduction	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 811,752
DC Public Schools	000CSR	03	Federal	Class Size Reduction	Grant Amount is Less Than the Estimated Amount in the Budget	\$ (6,006,836)

ENROLLED ORIGINAL

Agency	Grant #	Phase	Type	Description	Reason for Request Amount	
Department of Health	31PSFM	03	Federal	Farmers Market	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 122,409
Department of Health	01EHNI	00	Federal	Nonpoint Source Implementation--FY01	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 170,384
Department of Health	11EHNI	01	Federal	Nonpoint Source Implementation--FY01	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 52,017
Department of Health	21EHNI	02	Federal	Nonpoint Source Implementation--FY01	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 261,020
Department of Health	11EHBF	01	Federal	Brownfields Project	Carryover Amount from FY 2002	\$ 156,518
Department of Health	11BFRL	01	Federal	Brownfields Revolving Loan Fund	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 325,025
Department of Health	31PHBI	03	Federal	TBI Traumatic Brain Injury Post Demo	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 1,522
Department of Health	31PHDP	03	Federal	State-Based Diabetes Control	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 68,260
Department of Health	31NCPC	03	Federal	National Cancer Prevention & Planning	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 236,241
Department of Health	01EHCB	00	Federal	Chesapeake Bay-FY 00	Grant Amount is Less Than the Estimated Amount in the Budget	\$ (112,368)
Department of Health	11EHCB	01	Federal	Chesapeake Bay-FY 01	Grant Amount is Less Than the Estimated Amount in the Budget	\$ (93,253)

ENROLLED ORIGINAL

Agency	Grant #	Phase	Type	Description	Reason for Request	Amount
Department of Health	21EHCB	02	Federal	Chesapeake Bay-FY 02	Grant Amount is Less Than the Estimated Amount in the Budget	\$ (150,000)
Department of Health	31BFEH	03	Federal	Brownfields Project	Decrease to Match Grant Award	\$ (4,800)
Department of Health	31MMMD	03	Federal	MMA Disproportionate Share	Decrease to Match Estimated Amount in Budget	\$ (2,161,857)
Department of Human Services	22FSFV	03	Federal	Family Violence Prevention	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 73,362
Department of Human Services	32DCCI	03	Federal	Transitioning Health Child Care America 2000	Grant Amount is Less Than the Estimated Amount in the Budget	\$ (62,600)
Department of Human Services	32DCIT	03	Federal	Infants & Toddlers with Disabilities	Grant Amount is Less Than the Estimated Amount in the Budget	\$ (905,186)
Department of Human Services	32DCCF	03	Federal	Child Care Development Fund	Grant Amount is Less Than the Estimated Amount in the Budget	\$ (1,920,344)
Office on Aging	11P201	03	Federal	State Health Insurance Assistance Program	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 90,545
DC Public Library	ORALHP	03	Federal	Oral History Research	New Grant	\$ 800
Department of Human Services	31IDCR	03	Federal	DHS Indirect Cost Recovery	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 2,950,000
Department of Human Services	32RSIL	03	Federal	Independent Living Services	Grant Amount is Less Than the Estimated Amount in the Budget	\$ (298,934)
Department of Human Services	32RSAT	03	Federal	Assistive Technology	Grant Amount is Less Than the Estimated Amount in the Budget	\$ (308,071)

ENROLLED ORIGINAL

Agency	Grant #	Phase	Type	Description	Reason for Request	Amount
DC Public Library	LSTAXX	02	Federal	Library Service Technology Act	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 118,855
DC Public Schools	000FLI	03	Federal	Foreign Language Incentive Program	New Grant	\$ 38,803
DC Public Schools	000DAE	03	Federal	Title VI Innovative Education Program Strategies	Decrease to Match Estimated Amount in Budget	\$ (367,123)
DC Public Schools	000DCC	03	Federal	Title VI Innovative Education Program Strategies	Decrease to Match Estimated Amount in Budget	\$ (297,773)
DC Public Schools	000EAR	03	Federal	Title I Grants to LEAs	Decrease to Match Estimated Amount in Budget	\$ (300,000)
DC Public Schools	000EAB	02	Federal	Title I Grants to LEAs	Decrease to Match Estimated Amount in Budget	\$ (38,744)
DC Public Schools	000EAG	03	Federal	Title I Grants to LEAs	Decrease to Match Estimated Amount in Budget	\$ (63,173)
DC Public Schools	000EAZ	03	Federal	Title I Grants to LEAs	Decrease to Match Estimated Amount in Budget	\$ (7,865,392)
DC Public Schools	000EAA	03	Federal	Title I Grants to LEAs	Decrease to Match Estimated Amount in Budget	\$ (930,563)
DC Public Schools	000CLA	03	Federal	21 st Century Community Learning	New Grant	\$ 45,681
DC Public Schools	000CLS	03	Federal	21 st Century Community Learning	New Grant	\$ 30,454
DC Public Schools	000CLC	03	Federal	21 st Century Community Learning	New Grant	\$ 1,446,571
DC Public Schools	000BAA	02	Federal	Comprehensive School Reform Demonstration	Grant Amount in Greater Than Estimated Amount in Budget	\$ 105,259
DC Public Schools	000DAB	03	Federal	Title VI Innovative Education Program Strategies	Grant Amount in Greater Than Estimated Amount in Budget	\$ 131,330
DC Public Schools	000DAC	03	Federal	Title VI Gifted and Talented	Grant Amount in Greater Than Est. Amount in Budget	\$ 221,226

ENROLLED ORIGINAL

Agency	Grant #	Phase	Type	Description	Reason for Request Amount	
					Grant Amount in Greater Than Estimated Amount in Budget	
DC Public Schools	000DAE	02	Federal	Title VI Innovative Education Program Strategies	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 353,145
DC Public Schools	000DAM	03	Federal	Title VI Innovative Education Program Strategies	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 68,260
DC Public Schools	000EAB	03	Federal	Title I Grants to LEAs	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 38,570
DC Public Schools	000EAD	03	Federal	Title I Grants to LEAs	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 136,292
DC Public Schools	000EAE	03	Federal	Title I Grants to LEAs	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 445,406
DC Public Schools	000EAH	03	Federal	Title I Grants to LEAs	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 1,585,086
DC Public Schools	000EAM	03	Federal	Title I Grants to LEAs	New Grant	\$ 668,588
DC Public Schools	000EAS	03	Federal	Title I Grants to LEAs	New Grant	\$ 2,880,254
DC Public Schools	000EAT	03	Federal	Title I Grants to LEAs	New Grant	\$ 2,880,254
DC Public Schools	000ZGZ	02	Federal	Even Start State Grant	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 67,177
DC Public Schools	000ZGZ	03	Federal	Even Start State Grant	Decrease to Match Estimated Amount in Budget	\$ (9,350)
DC Public Schools	000ADV	02	Federal	Advance Placement Fee Payment Program	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 107,444
DC Public Schools	000API	03	Federal	State Grant: Advance Placement	New Grant	\$ 273,646
DC Public Schools	000EGZ	02		Migrant Education	Carryover Amount	\$ 221,861

ENROLLED ORIGINAL

Agency	Grant #	Phase	Type	Description	Reason for Request	Amount
			Federal	Program	from FY 2002	
Department of Health	11PHBC	03	Private	Susan Komen	Decrease to Match Estimated Amount in Budget	\$ (150,000)
Department of Health	31APNM	03	Federal	Community Based System of Care	Decrease to Match Estimated Amount in Budget	\$ (1,932)
Department of Health	31EHSL	03	Federal	State Lead Enforcement (SLEH3 Portion)	Decrease to Match Total Grant Award	\$ (3,108)
Department of Health	31EHLF	03	Federal	State Lead Enforcement (SLEH3 Portion)	Decrease to Match Total Grant Award	\$ (73,113)
Department of Health	31PHST	03	Federal	Sexually Transmitted Disease	Decrease to Match Estimated Amount in Budget	\$ (40,551)
Department of Health	31PHTA	03	Federal	TB Control Grant - FY 03	Decrease to Match Total Grant Award	\$ (340,588)
Department of Health	21PHCV	02	Federal	Cardiovascular Health Program	Carryover Amount from FY 2002	\$ 117,694
Department of Health	21PSHP	02	Federal	Healthy Start I	Carryover Amount from FY 2002	\$ 1,772,259
Department of Health	21PSHS	02	Federal	Healthy Start II	Carryover Amount from FY 2002	\$ 1,098,762
Department of Health	22EHED	02	Federal	Env. ED for Compliance of Auto Repair	Carryover Amount from FY 2002	\$ 14,359
Department of Health	22SHPC	02	Federal	Primary Care Office	Carryover Amount from FY 2002	\$ 68,905
Department of Health	31EHLU	03	Federal	Leaking Underground Storage Tank	Increase to Match Estimated Amount in Budget	\$ 70,280
Department of Health	31PHCM	03	Private	Susan Komen-Case Management	New Grant	\$ 75,000
Department of Health	31PHCS	03	Federal	Concord: Cancer Surveillance	New Grant	\$ 225,767
Department of Health	31PHPV	03	Private	Peer Volunteer Program-Keep the Faith	New Grant	\$ 75,000
Department of Health	32PHLB	03	Federal	Epidemiology and Laboratory Capacity	Increase to Match Estimated Amount in Budget	\$ 85,690
Department of Health	33MMCI	03	Federal	Community Based System	New Grant	\$ 297,093
Department of Health	31PSWC	03	Federal	Supplemental Nutrition Program (WIC)	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 717,687

ENROLLED ORIGINAL

Agency	Grant #	Phase	Type	Description	Reason for Request Amount	
Department of Health	31EHWE	03	Federal	Wildlife Education Program	New Grant	\$ 120,541
Department of Housing & Community Development	00CDBG	02	Federal	Grant	Carryover Amount From Prior Year	\$ 1,931,285
Department of Housing & Community Development	00CDBG	02	Federal	Block Grant	Carryover Amount From Prior Year	\$ 9,470,307
Department of Human Services	12FSSS	01	Federal	Refugee Resettlement	Carryover Amount from FY 2002	\$ 32,384
Department of Human Services	12FSTX	02	Federal	Refugee Resettlement Targeted Assistance	Carryover Amount from FY 2002	\$ 342,162
Department of Human Services	29AFTF	03	Federal	TANF	Decrease to Match Current Budget	\$ (18,907,558)
Department of Human Services	21JAFS	02	Federal	Foods Stamps Administration	Carryover Amount from FY 2002	\$ 17,500
Department of Human Services	21CSCF	02	Federal	Community Food and Nutrition	New Grant	\$ 15,000
Department of Mental Health	MHBG88	02	Federal	State Mental Health Block Grant	Carryover Amount from FY 2002	\$ 280,966
Department of Mental Health	MSIP99	01	Federal	State MH System Performance Indicator	Carryover Amount from FY 2002	\$ 28,041
Emergency Management Agency	GR3534	03	Federal	EOC Phase 1111	New Grant	\$ 150,000
Emergency Management Agency	NIMA3F	03	Federal	NIMA	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 11,567
Metropolitan Police Department	202700	03	Federal	Joint Terrorism Task Force	Increase to Match Budget	\$ 9,692
Metropolitan Police Department	CBP03F	03	Federal	Creating a Culture Integrity COPS	New Grant	\$ 125,000
Metropolitan Police Department	MAFTF3	03	Federal	Metro Area Fraud Task Force	New Grant	\$ 26,000
Metropolitan Police Department	NCR800	98	Federal	National Criminal History	Carryover Amount from FY 2002	\$ 65,000
Metropolitan Police Department	BOATSF	01	Federal	Boat and Safety	Carryover Amount from FY 2002	\$ 204,335
Metropolitan Police Department	CIC03F	03	Federal	In-Car Camera COP	New Grant	\$ 149,315

ENROLLED ORIGINAL

Agency	Grant #	Phase	Type	Description	Reason for Request	Amount
Metropolitan Police Department	20SLA5	01	Federal	Emergency Management Preparedness Grant	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 655,614
Office of the City Administrator	JJD401	01	Federal	Title V Formula Grant	Increase to Match Estimated Amount in Budget	\$ 75,126
Office of the City Administrator	BF9002	01	Federal	Byrne Grant	Decrease to Match Estimated Amount in Budget	\$ (826,122)
Office of the Mayor	ASF000	01	Federal	Americorps State Formula Grant	New Grant	\$ 53,537
Office of the Secretary	HRAB01	03	Federal	Historical Records Advisory Board	New Grant	\$ 5,000
State Education Office	22MSMS	02	Federal	FY02 Dwight D. Eisenhower	Increase to Match Estimated Amount in Budget	\$ 89,703
State Education Office	TQG001	03	Federal	Teacher Quality Grant Award	Grant Amount in Greater Than Estimated Amount in Budget	\$ 144,673
State Education Office	TEF001	03	Federal	Temporary Emergency Food	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 5,331
University of the District of Columbia	6F1700	02	Federal	Talent Search Program	Carryover Amount from FY 2002	\$ 1,389
University of the District of Columbia	6F1800	02	Federal	Upward Bound Program	Carryover Amount from FY 2002	\$ 1,004
University of the District of Columbia	6F5400	01	Federal	Project Lengua	Carryover Amount from FY 2002	\$ 97,356
University of the District of Columbia	6F5700	01	Federal	Pesticide Safety Education	Carryover Amount from FY 2002	\$ 6,657
University of the District of Columbia	6P4400	01	Private	Maadi-Egypt Higher Education	Carryover Amount from FY 2002	\$ 24,698
University of the District of Columbia	6P6100	02	Private	Small Business	Carryover Amount from FY 2002	\$ 4,289
University of the District of Columbia	6F9200	01	Federal	D.C. Food Handler Certification Model	Carryover Amount from FY 2002	\$ 27,080
University of the District of Columbia	6F2100	02	Federal	Agriculture Experiment Station	Carryover Amount from FY 2002	\$ 116,590

ENROLLED ORIGINAL

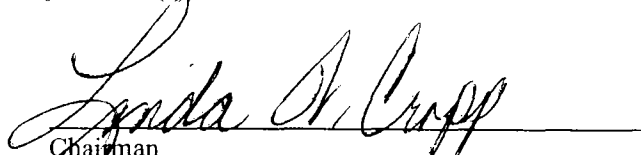
Agency	Grant #	Phase	Type	Description	Reason for Request	Amount
University of the District of Columbia	6F2400	02	Federal	Federal Pell Grant	Grant Amount is Greater Than the Estimated Amount in the Budget	\$ 111,014
University of the District of Columbia	6F8900	03	Federal	UDC LCC Partners in Cancer	New Grant	\$ 63,363
Office of the City Administrator	DOM001	03	Federal	State Homeland Security	New Grant	\$ 4,910,000
Office of the City Administrator	CVA003	02	Federal	Fiscal Year 02-Crime Victim Assistance	Carryover Amount from FY02	\$ 50
Office of the City Administrator	CVA003	01	Federal	FY-01 Crime Victim Assistance	Carryover Amount from FY02	\$ 162,190
Office of the City Administrator	VOW901	01	Federal	FY-01 - STOP Violence Against Women	Carryover Amount from FY02	\$ 331,977

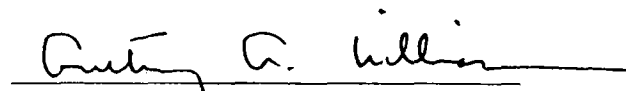
Sec. 3. Fiscal impact statement.

This legislation does not affect the District of Columbia's budget or financial plan and therefore has no fiscal impact.

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto) and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-204.12(a)).


 Chairman
 Council of the District of Columbia


 Mayor
 District of Columbia
 APPROVED
 June 20, 2003

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-103IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JUNE 20, 2003*Codification
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2001 Edition

2003 Fall
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REVIEW EMERGENCY ACT OF 2003

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ENROLLED ORIGINAL

TITLE XXV. EFFECTIVE DATE

To amend, on an emergency basis, due to Congressional review, the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998 to add the definition "Special Education School," to amend the foundation level or cost of providing public education services, to amend weightings applied to counts of students enrolled at certain grade levels, to amend weightings applied to supplemental foundation level funding on the basis of the count of special education, LEP/NEP, summer school, and residential school students; to amend Title 24 of the District of Columbia Municipal Regulations to allow for the increase in fees for the clean-up and trash removal of public space after special events; to amend the Housing Production Trust Fund Act of 1988 to provide \$5 million in funding for the Housing Production Trust Fund in Fiscal Year 2003; to amend the Tobacco Settlement Trust Fund Establishment Act of 1999 to limit the administrative expenses of the Board, to allow the Board to adopt operating procedures, to require the Board to submit financial and performance reports, and to reallocate 100% of the residuals savings from Fiscal Years 2001 and 2002 to the General Fund of the District of Columbia, to reallocate 100% of the debt service savings during Fiscal Year 2003 and Fiscal Year 2004 to specific agencies; to amend the Vital Records Act of 1981 to allow civil fines, penalties, and fees to be imposed as sanctions for infractions of the act; to amend the District of Columbia Substance Abuse Treatment and Prevention Act of 1989 to allow for the collection of fees, penalties, and fines; to amend the Fiscal Year 2001 Budget Support Act of 2000 to increase the prescribed fee to \$0.76 per access line, \$0.62 per Centrex line, \$0.76 for each wireless telephone number that has a District of Columbia billing address, and \$0.62 for each PBX station; to repeal the Pay-As-You Go Funding Amendment Act of 2002; to amend Title 47 of the District of Columbia Official Code to increase the rate of excise tax on certain items, including alcohol, cigarettes, toll telecommunications, including wireless services, and utilities; to amend Title 47 of the District of Columbia Official Code to maintain the effective tax rates on incorporated and unincorporated business; to amend the District of Columbia Deed Recordation Tax Act to increase the rate on deed and recordation transfer taxes; to amend Chapter 3 of Title 47 of the District of Columbia Official Code to allow for the transfer of all or part of the balance of "Other-Type Funds" to the General Fund of the District of Columbia and to allow the Mayor to increase such funds and Fees and Charges by an average of 30%; to amend Title 47 of the District of Columbia Code to create a new class of property taxation for vacant and abandoned property and to make certain administrative changes; to amend Title 47 of the District of Columbia Official Code to preserve an inheritance and estate tax in the District of Columbia; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to make the requirement that the Director of Personnel conduct classification and compensation studies for the police and fire departments subject to the availability of appropriations; to amend An Act relative to the control of wharf property and certain public spaces in the District of Columbia, the District of Columbia Business Corporation Act, the District of Columbia Nonprofit Corporation Act, the Limited Liability Company Act of 1994, the Rental Housing Conversion and Sale Act of 1980, and Title 47 of the District of Columbia Official Code to increase fees; to amend section 47-2842 of the District of Columbia

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Official Code, An Act To provide for the recording and releasing of liens by entries on certificates of title for motor vehicles and trailers, and for other purposes, the Motor Vehicle Safety Responsibility Act of the District of Columbia, An Act To provide additional revenue for the District of Columbia, and for other purposes, the District of Columbia Traffic Act, 1925, and Title 18 of the District of Columbia Municipal Regulations to increase the fees and fines associated with these provisions; to amend Title 47 of the District of Columbia Official Code to create a tax rate reduction mechanism for deed and recordation transfer taxes and certain excise taxes; to approve amendments to the District of Columbia State Plan for Medical Assistance which authorize the Medicaid Program to remove provisions which require that rates paid to hospitals, nursing facilities, and intermediate care facilities for persons with mental retardation be adjusted annually for inflation, to add provisions which require that payments made to hospitals, nursing facilities, and intermediate care facilities for persons with mental retardation for inflation adjustments in subsequent fiscal years be contingent upon availability of funds, to increase the pharmacy dispensing fee effective April 1, 2003, to remove provisions authorizing payment exceptions to the cost ceilings applicable to nursing facilities, and to approve a waiver to the District of Columbia State Plan for Medical Assistance to expand coverage of its Medicaid Program to childless adults 50 to 64 years of age; to amend the Health Services Planning Program Re-Establishment Act of 1996 to repeal provisions referencing the defunct Commissioner of Public Health and the Commissioner of Health Care Finance, to authorize the State Health Planning and Development Agency to utilize local revenues to fund only 3 staff positions in Fiscal Year 2003 for a period not to exceed March 1, 2003, to require the Director of the Department of Health to convene a working group to develop recommendations by February 1, 2003 for streamlining the data collection, analysis, and certificate of need functions performed by the State Health Planning and Development Agency, to increase the amounts that the State Health Planning and Development Agency is authorized to charge for certificate of need applications, and to make the implementation of the act subject to the availability of appropriations; to amend section 23-1321 of the District of Columbia Official Code to prohibit pretrial defendants being held at the District of Columbia Jail or the Correctional Treatment Facility from participating in limited release for purposes such as employment or schooling; to amend the District of Columbia Procurement Practices Act of 1985 to extend until 2004 the provision for the Council to review contracts on an expedited basis; to amend the Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982 to authorize an hourly fee for graffiti removal services on private property; and to amend Chapter 45 of Title 47 of the District of Columbia Official Code to provide a limitation on the amount that can be deducted for District of Columbia income tax purposes in any year, to eliminate the strict District of Columbia residency requirements, and to make certain changes to conform to 2001 tax law changes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2003 Budget Support Amendment Second Congressional Review Emergency Act of 2003".

TITLE I. UNIFORM PER STUDENT FUNDING FORMULA FOR PUBLIC

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SCHOOLS AND PUBLIC CHARTER SCHOOLS AMENDMENT

Sec. 101. Short title.

This title may be cited as the "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Second Congressional Review Amendment Act of 2003".

Sec. 102. The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), is amended as follows:

(a) Section 104 (D.C. Official Code § 38-2903) is amended by striking the phrase "\$6,555 per student for 2003," and inserting the phrase "\$6,419 per student for 2003" in its place.

Note,
§ 38-2903

(b) Section 105 (D.C. Official Code § 38-2904) is amended to read as follows:

Note,
§ 38-2904

"Sec. 105. Weightings applied to counts of students enrolled at certain grade levels.

"The student counts at certain grade levels and in certain programs shall be weighted to provide an amount per student differing from the basic foundation level in accordance with the following schedule:

Grade Level	Weighting	Per Pupil Allocation in FY 2003
Pre-School / Pre Kindergarten	1.17	\$7,510
Kindergarten	1.17	\$7,510
Grades 1-3	1.03	\$6,611
Grades 4-5	1.00	\$6,419
Ungraded ES	1.03	\$6,611
Grades 6-8	1.03	\$6,611
Ungraded MS/JHS	1.03	\$6,611
Grades 9-12	1.17	\$7,510
Ungraded SHS	1.17	\$7,510
Alternative	1.30	\$8,344
Special Education Schools	1.17	\$7,510
Adult	0.75	\$4,814

(c) Section 106(c) (D.C. Official Code § 38-2905(c)) is amended to read as follows:

Note,
§ 38-2905

"(c) These supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

Level/Program	Definition	Weighting	Supplemental Per Pupil FY 2003

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Level 1: Special Education	Regular class; special education services 6 hours or less per school week	0.55	\$3,530
Level 2: Special Education	Resource room; special education services 7-15 hours per school week	0.85	\$5,456
Level 3: Special Education	Separate class; special education services more than 15 hours per school week	1.50	\$9,628
Level 4: Special Education	Separate DCPS or public charter school	2.70	\$17,330
LEP/NEP	Limited and non-English proficient students	0.40	\$2,567
Summer	An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the District of Columbia Public Schools and public charter schools	0.17	\$1,091
Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.70	\$10,911
Level 1: Special Education - Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.374	\$2,401

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Level 2: Special Education - Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.36	\$8,729
Level 3: Special Education - Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.941	\$18,877
Level 4: Special Education - Residential	Additional funding to support the after-hours level 4 special instructional needs of limited and non-English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.924	\$18,768
Level 5: Special Education - Residential	Residential 24 hour intensity in a public charter school	9.40	\$60,334
LEP/NEP - Residential	Additional funding to support the after-hours level 4 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.68	\$4,365

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Sec. 103. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE II. SPECIAL EVENTS CLEAN-UP AND TRASH REMOVAL

Sec. 201. Short title.

This title may be cited as the "Special Events Clean-Up and Trash Removal Second Congressional Review Act of 2003".

Sec. 202. Section 720 of Title 24 of the District of Columbia Municipal Regulations is amended as follows: DCMR

(a) Subsection 720.3 is amended as follows:

(1) The fee for "Clean-up and Trash Removal" is amended to read as follows:
"Clean-up and Trash Removal - to cover the personnel costs of public space cleaning and trash removal. Rate per District employee per hour \$27.00".

(2) The fee for "Disposable Trash Bags" is repealed.

(3) A new fee entitled "Transportation" is added to read as follows:
"Transportation - to cover vehicle costs associated with transporting trash removed from public space at the site of a special event and transporting it to a District solid waste facility. Rate per hour \$40.00".

(4) A new fee entitled "Disposal" is added to read as follows:
"Disposal - to cover the District's cost to dispose of trash transported from a special event. Cost per ton \$79.23".

(b) A new subsection 720.4 is added to read as follows:

"720.4. Individual arrangements may be made for trash collection by community groups; provided, that those arrangements are approved by the Director of the Department of Public Works."

Sec. 203. The amendments made by section 202 to the special event fees shall not preclude the Mayor from further amending these same fees by rulemaking to cover the costs incurred for the service.

Sec. 204. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE III. HOUSING PRODUCTION TRUST FUND AMENDMENT

Sec. 301. Short title.

This title may be cited as the "Housing Production Trust Fund Second Congressional Review Amendment Act of 2003".

Sec. 302. Section 3(c) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802(c)), is amended as follows:

(a) Paragraph (14) is amended by striking the phrase "(14) \$11.5 million" and inserting the phrase "(14) \$5 million" in its place.

Note,
§ 42-2802

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(b) Paragraph (15) is amended by striking the phrase "by § 1-206.03(c)" and inserting the phrase "by section 603(c) of the Home Rule Act, approved December 24, 1973 (87 Stat. 814; D.C. Official Code § 1-206.03(c))," in its place.

Sec. 303. Fiscal impact statement.

This title has no negative fiscal impact. Funding for the Housing Production Trust Fund in Fiscal Year 2003 is included in the budget and financial plan.

TITLE IV. TOBACCO SETTLEMENT SAVINGS FUND AMENDMENT

Sec. 401. Short title.

This title may be cited as the "Tobacco Settlement Savings Fund Second Congressional Review Amendment Act of 2003".

Sec. 402. The Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 7-1811.01 *et seq.*), is amended as follows:

(a) Section 2302a (D.C. Official Code § 7-1811.02) is amended as follows:

(1) Subsection (e)(2) is amended to read as follows:

"(e)(2) The budget prepared and submitted by the Mayor under D.C. Official Code § 47-301.01 shall include recommended expenditures at a reasonable level for the forthcoming fiscal year for the administrative expenses of the Board, except that the recommended expenditures for the administrative expenses for fiscal year 2003 shall not exceed \$1,000.00."

(2) Subsection (g) is amended by adding a new paragraph (3) to read as follows:

"(3) The Board may adopt, amend, repeal, and enforce bylaws or other operating procedures as appropriate in accordance with District laws."

(3) Subsection (h)(2) is amended to read as follows:

"The Board shall submit reports of the investment performance of and financial transactions related to the Fund to the Council within 90 days after the end of the fiscal year, including a listing of the assets of the Fund, the earnings of each asset of the Fund, the value of each asset of the Fund at the beginning and end of the fiscal year, and the investment strategy of the Fund, including any proposed changes."

(b) Section 2302b(b)(5) (D.C. Official Code § 7-1811.03(b)(5)) is amended as follows:

(1) The introductory language of subparagraph (A) is amended to read as follows:

"(5)(A) All residual funds accumulated from fiscal years 2001 and 2002 shall be allocated to the General Fund during fiscal year 2003. In addition, beginning October 1, 2002 through September 30, 2004, 100% of the residual shall be spent for purposes specified in local law, and 100% of the annual savings from debt defeasance or prepayment, after being reduced by \$1,000,000 to be allocated to the General Fund, shall be allocated to the Department of Human Services, the Child and Family Services Agency, Department of Mental Health, Department of Health, and the District of Columbia Public Schools, for spending pressures associated with the Medicaid, Medicare, Title IV, Part E of the Social Security Act (42 U.S.C. § 674(a)) and Special Education programs, provided the following:"

(2) Sub-subparagraph (i) is amended by striking the phrase "No such funds" and inserting the phrase "No such funds from annual savings described above" in its place.

(3) Sub-paragraph (ii) is amended by striking the phrase "No such funds" and inserting the phrase "No such funds from annual savings described above" in its place.

Note,
§ 7-1811.02

Note,
§ 7-1811.03

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Sec. 403. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE V. VITAL RECORDS AND PENALTIES AMENDMENT

Sec. 501. Short title.

This title may be cited as the "Vital Records Penalties Second Congressional Review Amendment Act of 2003".

Sec. 502. Section 26 of the Vital Records Act of 1981, effective October 8, 1981 (D.C. Law 4-34; D.C. Official Code § 7-225), is amended as follows: Note,
§ 7-225

(a) Designate the existing text as subsection (a).

(b) A new subsection (b) is added to read as follows:

"(b) Civil fines, penalties, and fees may be imposed as sanctions for any infraction of the provisions of this act, or the rules issued under authority of this act, pursuant to Titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801 *et seq.*) ("Civil Infractions Act"). Adjudication of any infractions shall be pursuant to Titles I-III of the Civil Infractions Act."

Sec. 503. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE VI. SUBSTANCE ABUSE TREATMENT AND PREVENTION AMENDMENT

Sec. 601. Short title.

This title may be cited as the "Substance Abuse Treatment and Prevention Fees Second Congressional Review Amendment Act of 2003".

Sec. 602. Section 8 of the District of Columbia Substance Abuse Treatment and Prevention Act of 1989, effective March 15, 1990 (D.C. Law 8-80; D.C. Official Code § 44-1207), is amended as follows: Note,
§ 44-1207

(a) The section heading is amended to read as follows:

"Sec. 8. Fees and fines; rules."

(b) Subsection (a) is amended by adding a new sentence at the end to read as follows:

"The Mayor, by rule, shall establish a schedule of fees for the certification required by section 5."

(c) A new subsection (d) is added to read as follows:

"(d) Except as provided in section 5(f), civil fines, penalties, and fees may be imposed as sanctions for any infraction of the provisions of this act, or the rules issued under authority of this act, pursuant to Titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801 *et seq.*) ("Civil Infractions Act"). Adjudication of any infractions shall be pursuant to Titles I-III of the Civil Infractions Act."

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Sec. 603. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE VII. EMERGENCY AND NON-EMERGENCY NUMBER TELEPHONE CALLING SYSTEM FUND AMENDMENT

Sec. 701. Short title.

This title may be cited as the "Emergency and Non-Emergency Number Telephone Calling Systems Fund Second Congressional Review Amendment Act of 2003".

Sec. 702. The Fiscal Year 2001 Budget Support Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 34-1801 *et seq.*), is amended as follows:

(a) Section 603 (D.C. Official Code § 34-1802), is amended by adding new subsections (d) and (e) to read as follows:

Note,
§ 34-1802

"(d) All income and expenses of the Fund shall be audited annually by the Chief Financial Officer, who shall transmit the audit report to the Mayor and Council. The expenses of the annual audit shall be defrayed by the Fund. The Chief Financial Officer shall also transmit to the Mayor and Council quarterly reports summarizing the income and expenditures of the Fund.

"(e) During fiscal year 2003, the Mayor shall allocate at least \$500,000 of any revenue the Fund earns due to the enactment of the Emergency and Non-Emergency Number Telephone Calling Systems Fund Amendment Act of 2002, passed on 2nd reading on November 7, 2002 (Enrolled version of Bill 14-892), in excess of the Fund revenue projection included in the District of Columbia's budget submission to Congress, to increase the number of emergency call-taking staff who are working during hours when call volume is above average. The Mayor may increase the number of emergency call-taking staff through such measures that he considers appropriate, including hiring new staff, authorizing overtime, employing light-duty sworn police officers or firefighters, or offering a shift differential, in accordance with the Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), and any applicable collective bargaining agreements."

(b) Section 604(a)(2) (D.C. Official Code § 34-1803(a)(2)) is amended to read as follows:

Note,
§ 34-1803

"(2)(A) Subscribers to wireline local exchange service shall pay the following monthly user fees:

- "(i) A fee of \$0.76 per access line;
- "(ii) A fee of \$0.62 per Centrex line; and
- "(iii) A fee of \$0.62 per Private Branch Exchange ("PBX")

station.

"(B) For billing and collection purposes, the PBX fee per station shall be converted into a per-trunk fee based on a ratio of 8 PBX stations to one PBX trunk.

"(C) Subscribers to wireless local exchange service shall pay a monthly user fee of \$0.76 for each telephone number that has a District of Columbia billing address.

"(D) For the purposes of collection and billing, a provider may continue treating all lines as access lines until such time as the provider is able to make the necessary technical changes to its billing and collection systems to implement the specific monthly user fees for Centrex and PBX stations, but in no event later than 120 days after the effective date of

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the Fiscal Year 2003 Budget Support Amendment Act of 2002, passed on 2nd reading on November 7, 2002 (Enrolled version of Bill 14-892).".

Sec. 703. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE VIII. PAY AS YOU GO FUNDING AMENDMENT

Sec. 801. Short title.

This title may be cited as the "Pay-As-You-Go Funding Second Congressional Review Amendment Act of 2003".

Sec. 802. The Criteria for Spending Pay-As-You-Go Funding Act of 2002, effective October 1, 2002 (D.C. Law 14-190; 49 DCR 6968), is repealed.

Note,
§ 1-204.46

Sec. 803. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE IX. REVISION OF CERTAIN EXCISE TAXES

Sec. 901. Short title.

This title may be cited as the "Excise Tax Revision Second Congressional Review Act of 2003".

Sec. 902. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2002(3A) is amended to read as follows:

"(3A) The rate of tax shall be 9% of the gross receipts of the sales of or charges for spirituous or malt liquors, beers, and wine sold for consumption off the premises where sold; and".

Note,
§ 47-2002

(b) Section 47-2202(3A) is amended to read as follows:

"(3A) The rate of tax shall be 9% of the gross receipts of the sales of or charges for spirituous or malt liquors, beers, and wine sold for consumption off the premises where sold; and".

Note,
§ 47-2202

(c) Section 47-2402(a) is amended by striking the phrase "3.25 cents" and inserting the phrase "\$.05" in its place.

Note,
§ 47-2402

(d) Section 47-2501 is amended as follows:

Note,
§ 47-2501

(1) Subsection (a) is amended as follows:

(A) Paragraph (3) is amended to read as follows:

"(3) After December 31, 2002, pay to the Mayor 11% of these gross receipts from sales included in bills rendered after December 31, 2002, for a telephone company, 11% of these gross receipts from deliveries made after December 31, 2002, for a person who delivers heating oil to an end-user in the District, or 11% of these gross receipts from sales determined from meters read after December 31, 2002, for a gas company; or".

(B) Paragraph (4) is amended to read as follows:

"(4) After December 31, 2002, pay to the Mayor 11% of the gross receipts from

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the sales of natural or artificial gas by a nonpublic utility person delivered after December 31, 2002, by any method, to an end-user located in the District."

(2) A new subsection (a-1) is added to read as follows:

"(a-1) The rates of tax in subsection (a)(3) and (4) of this section shall be subject to reduction in accordance with § 47-143."

(3) Subsection (d-1) is amended as follows:

(A) Paragraph (1)(B) is amended by striking the phrase "\$0.007" and inserting the phrase "\$0.0077" in its place.

(B) A new paragraph (4) is added to read as follows:

"(4) The rate of tax in paragraph (1)(B) of this subsection shall be subject to reduction in accordance with § 47-143."

(e) Section 47-3902 is amended as follows:

Note,
§ 47-3902

(1) Subsection (a) is amended by striking the phrase "The rate shall be 10%" and inserting the phrase "The rate shall be 11%" in its place.

(2) Subsection (b)(1) is amended by striking the phrase "The rate shall be 10%" and inserting the phrase "The rate shall be 11%" in its place.

(3) A new subsection (c) is added to read as follows:

"(c) The rates in subsections (a) and (b) of this section shall be subject to reduction in accordance with § 47-143."

Note,
§§ 47-2002,
47-2202,
47-2402,
47-2501,
47-3902

Sec. 903. Applicability.

Section 902 shall apply as of January 1, 2003.

Sec. 904. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE X. IMPOSITION AND RATES OF FRANCHISE TAX AND UNINCORPORATED BUSINESS TAX

Sec. 1001. Short title

This title may be cited as the "Imposition and Rates of Franchise and Unincorporated Business Tax Revision Second Congressional Review Amendment Act of 2003".

Sec. 1002. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1807.02(a) is amended as follows:

(1) Paragraph (3) is amended to read as follows:

"(3) For the taxable years beginning after December 31, 2002, a tax at the rate of 9.5% upon the taxable income of every corporation, whether domestic or foreign."

(2) New paragraphs (3A) and (3B) are added to read as follows:

"(3A) A surtax at the rate of 2.5% on the tax determined under paragraph (2) or (3) of this subsection, as applicable, for any tax period beginning after September 30, 1992.

"(3B) A surtax at the rate of 2.5%, separate from and in addition to, the surtax imposed by paragraph (3A) of this subsection, on the tax determined under paragraph (2) or (3) of this subsection, as applicable, for any tax period beginning after September 30, 1994."

(3) Paragraph (4) is amended to read as follows:

"(4) For the taxable years beginning after December 31, 2003, a tax at the rate of

Note,
§ 47-1807.02

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9.975% upon the taxable income of every corporation, whether domestic or foreign.”.

(b) Section 47-1808.03(a) is amended as follows:

Note,
§ 47-1808.03

(1) Paragraph (3) is amended to read as follows:

"(3) For the taxable years beginning after December 31, 2002, a tax at the rate of 9.5% upon the taxable income of every unincorporated business, whether domestic or foreign.”.

(2) New paragraphs (3A) and (3B) are added to read as follows:

"(3A)(A) A surtax at the rate of 2.5% on the tax determined under paragraph (2) or (3) of this subsection, as applicable.

"(B) Subparagraph (A) of this paragraph shall apply for any tax period beginning after September 30, 1992.

"(3B)(A) A surtax at the rate of 2.5%, separate from and in addition to, the surtax imposed by paragraph (3A) of this subsection, on the tax determined under paragraph (2) or (3) of this subsection, as applicable, for any tax period beginning after September 30, 1994.

"(B) Subparagraph (A) of the paragraph shall apply for any tax period beginning after September 30, 1994.”.

(3) Paragraph (4) is amended to read as follows:

"(4) For the taxable years beginning after December 31, 2003, a tax at the rate of 9.975% upon the taxable income of every unincorporated business, whether domestic or foreign.”.

Sec. 1003. Section 1002 shall apply as of January 1, 2003.

Note,
§§ 47-1807.02
47-1808.03

Sec. 1004. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE XI. DEED RECORDATION TAX

Sec. 1101. Short title.

This title may be cited as the “Deed Recordation Tax Second Congressional Review Amendment Act of 2003”.

Sec. 1102. Section 303 of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 12; D.C. Official Code § 42-1103), is amended as follows:

Note,
§ 42-1103

(a) Subsection (a) is amended as follows:

(1) Paragraph (1) is amended as follows:

(A) Strike the phrase “1.1%” and insert the phrase “1.5%” in its place.

(B) Strike the phrase “deed or a lease” and insert the phrase “deed, including a lease” in its place.

(C) Strike the word “total”.

(2) Paragraph (2) is amended to read as follows:

“(2) Notwithstanding paragraph (1) of this subsection, at the time it is submitted for recordation, a deed that evidences a transfer of an economic interest in real property shall be taxed at the rate of 3.0% of the consideration allocable to the real property.”.

(3) Paragraph (3) is amended as follows:

(A) Strike the phrase “At the time it is submitted for recordation, a security interest instrument” and insert the phrase “Notwithstanding paragraph (1) of this

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subsection, at the time a security interest instrument is submitted for recordation, it" in its place.

(B) Strike the phrase "1.1%" and insert the phrase "1.5%" in its place.

(b) A new subsection (a-3) is added to read as follows:

"(a-3) Notwithstanding the provisions of subsection (a)(1) of this section, the rate of tax under subsection (a)(1) of this section shall be 1.1% if:

"(1) The consideration of the deed does not exceed \$250,000; and

"(2) The real property qualifies as a homestead as defined by D.C. Official Code § 47-849(2), the application for the homestead deduction accompanies the deed, and the deed is recorded timely as provided by D.C. Official Code § 47-1431(a)."

Sec. 1103. Section 47-903 of the District of Columbia Official Code is amended as follows:

Note,
§ 47-903

(a) Subsection (a)(1) is amended as follows:

(1) Strike the phrase "1.1%" and insert the phrase "1.5%" in its place.

(2) Strike the word "total".

(b) A new subsection (a-1) is added to read as follows:

"(a-1) Notwithstanding the provisions of subsection (a) of this section, the rate of tax under subsection (a) of this section shall be 1.1% if:

"(1) The consideration of the deed does not exceed \$250,000; and

"(2) The real property qualifies as a homestead as defined by § 47-849(2), the application for the homestead deduction accompanies the deed, and the deed is recorded timely as provided by § 47-1431(a)."

(c) A new subsection (a-2) is added to read as follows:

"(a-2) The rate in subsection (a)(1) of this section shall be subject to reduction in accordance with § 47-143."

Sec. 1104. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE XII. OTHER-TYPE FUNDS AND ADJUSTMENT TO OTHER FEES AND CHARGES

Sec. 1201. Short title.

This title may be cited as the "Other-Type Funds and Adjustment to Other Fees and Charges Second Congressional Review Act of 2003".

Sec. 1202. Chapter 3 of Title 47 of the D.C. Official Code is amended as follows:

(a) The table of contents for Chapter 3 is amended by adding a new Subchapter IV-A to read as follows:

"Subchapter IV-A. Special Budget Provisions.

"Sec.

"47-368.01. Transfer of dedicated funds to the General Fund.

"47-368.02. Increase in funds and fees and charges.

(b) A new Subchapter IV-A is added to read as follows:

"SUBCHAPTER IV-A. SPECIAL BUDGET PROVISIONS.

"§ 47-368.01 Transfer of dedicated funds to the General Fund.

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"(a) For the purposes of this section, the term "Other-Type Funds" means District revenues, as defined in § 1-202.03(10), generated from fees, fines, assessments, or reimbursements by District of Columbia or its agencies or instrumentalities (including independent agencies or instrumentalities), earmarked for special purposes and accounted for or placed in a fund for such purposes; provided, that the term "Other-Type O-type Funds" shall not include funds of the Housing Finance Agency; National Capital Revitalization Corporation; Sports and Entertainment Commission; Washington Convention Center Authority; Public Service Commission; Office of People's Counsel; Department of Insurance and Securities Regulation; Department of Banking and Financial Institutions; District of Columbia Water and Sewer Authority; and Alcoholic Beverage Regulation Administration, except to the extent that there are not sufficient Other-Type Funds available in other agencies from which a total of \$9.5 million may be obtained.

"(b) Notwithstanding any other provision of law, including the dedication of funds to a particular use, all or part of the balance in an Other-Type Fund up to the total amount of \$9.5 million in fiscal year 2003 of Other-Type Funds in fiscal year 2003 may be transferred to the General Fund of the District of Columbia in accordance with the procedure set forth in subsection (c) of this section. To the extent that these funds are needed, and it has been certified by the Chief Financial Officer that they are needed, in fiscal years subsequent to fiscal year 2003, the Mayor shall submit an approval resolution to the Council.

"(c)(1) The Mayor, in consultation with the Chief Financial Officer of the District of Columbia, may submit to the Council for approval a proposed resolution requesting the transfer of all or part of the balance in an Other-Type Fund to the General Fund of the District of Columbia. The proposed resolution shall include, for each agency affected:

"(A) The Chief Financial Officer's certification that the proposed transfer of funds is not prohibited by federal action, court order, or settlement and that funds have not been properly identified as deferred revenue or restricted fund balance;

"(B) The legislative or regulatory authority for the establishment of the Other-Type Fund;

"(C) The purpose of the Other-Type Fund;

"(D) The original fiscal year budget and year-to-date expenditures for the Other-Type Fund for the fiscal year in which the request is made;

"(E) The accumulated balance of the Other-Type fund;

"(F) The previous 2 fiscal years' budgets and spending patterns for the Other-Type fund (3 years if there has been a transfer of all or part of the fund balance to the General Fund of the District of Columbia);

"(G) The collection in the Other-Type Fund for the previous 2 fiscal years (3 years if there has been a transfer of all or part of the fund balance to the General Fund of the District of Columbia; and

"(H) The effect that the approval of the transfer of the Other-Type Funds to the General Fund of the District of Columbia will have on service delivery.

"(2) The proposed resolution shall be submitted to the Council for a 60-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed resolution, in whole or in part, within the 60-day period, the proposed resolution shall be deemed disapproved.

"§ 47-368.02. Increase in funds and fees and charges.

"(a) For the purposes of this section, the term:

"(1) "Fees and Charges" means District revenues, as defined in § 1-201.03(10),

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generated from the collection of user fees and charges, licensing fees, and permit fees.

"(2) 'Other-Type Funds' shall have the same meaning as in § 47-368.01(a), except that the term shall not include reimbursements.

"(b) Notwithstanding any other provision of law, including any laws prescribing requirements for a resolution, rulemaking, or publication, Other-Type Funds, and Fees and Charges not otherwise adjusted by any title in the Fiscal Year 2003 Budget Support Amendment Act of 2002, passed on 2nd reading on November 7, 2002 (Enrolled version of Bill 14-892), shall be increased by an average of up to 30% as determined by the Mayor for fiscal year 2003. The increases shall be effective on or before January 1, 2003.

"(c) The Mayor may take any additional action as may be necessary to ensure that all adjustments to Other-Type Funds and to Fees and Charges are effective January 1, 2003.

"(d) A report of the Mayor's actions shall be delivered to the Council on or before November 22, 2002 and shall at the same time be transmitted for publication in the District of Columbia Register.

"(e) On or before November 22, 2002, the Chief Financial Officer of the District of Columbia shall transmit to the Council a report containing the following information:

"(1) A list of each fee, fine, and charge, including permit and license fees, imposed by the District of Columbia:

"(2) The legislative or regulatory authority for the imposition of each fee, fine, or charge;

"(3) The amount levied by the District of Columbia for each individual instance of the fee, fine, or charge;

"(4) The cumulative amount collected annually by the District of Columbia for each fee, fine, or charge;

"(5) The level to which each fee, fine, or charge would be adjusted to account for inflation; and

"(6) The additional amount the District of Columbia would collect each year for each individual fee, fine, or charge, if the fee, fine, or charge were adjusted for inflation."

Sec. 1203. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE XIII. REAL PROPERTY TAX REVISION

Sec. 1301. Short title.

This title may be cited as the "Real Property Tax Revision Second Congressional Review Act of 2003".

Sec. 1302. Section 11(a) of An Act to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, effective April 27, 2001 (D.C. Law 13-281; D.C. Official Code § 42-3131.11(a)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "building addresses" and inserting the phrase "real properties, as identified on the cadastral maps of the Office of Tax and Revenue according to square, parcel, or reservation, and lot," in its place.

(b) A new paragraph (3) is added to read as follows:

"(3) Copies of the list prescribed by this section and updates shall be transmitted

Note,
§ 42-3131.11

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to the Chief Financial Officer in the form and medium prescribed by the Chief Financial Officer.”.

Sec. 1303. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-812 is amended as follows:

(1) Subsection (b-5)(2) is repealed.

(2) A new subsection (b-6) is added to read as follows:

“(b-6) Notwithstanding the provisions of subsection (a) of this section, the sum of the real property tax rates and the special real property tax rates for taxable real property in the District of Columbia for the tax year beginning October 1, 2002, shall be:

“(1) \$0.96 for each \$100 of assessed value for Class 1 Property;

“(2) \$1.85 for each \$100 of assessed value for Class 2 Property; and

“(3) \$5.00 for each \$100 of assessed value for Class 3 Property.”.

Note,
§ 47-812

(b) Section 47-813 is amended as follows:

(1) Subsection (c-4) is amended by striking the phrase “Except as provided by subsection (c-5) of this section, for the property tax year beginning October 1, 2001, and ending September 1, 2002, and for each subsequent tax year” and inserting the phrase “For the real property tax year beginning October 1, 2001, and ending September 30, 2002” in its place.

(2) Subsection (c-5) is repealed.

(3) A new subsection (c-6) is added to read as follows:

“(c-6)(1) For the real property tax year beginning October 1, 2002, and ending September 30, 2003, and for each subsequent tax year, the following classes of taxable real property are established:

“(A) Class 1 Property;

“(B) Class 2 Property; and

“(C) Class 3 Property.

“(2)(A) Class 1 Property shall be comprised of residential real property that:

“(i) Is improved;

“(ii) Is occupied; and

“(iii) Is used exclusively for nontransient residential dwelling

purposes.

“(B) Unimproved real property which abuts Class 1 Property shall be classified as Class 1 Property if the unimproved real property and the Class 1 Property have common ownership.

“(C) Unimproved real property which is separated from Class 1 Property by a public alley less than 30 feet wide shall be classified as Class 1 Property if the following conditions are met:

“(i) The unimproved real property is less than 1,000 square feet in size;

“(ii) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the unimproved real property as a matter of right; and

“(iii) The owner of the unimproved real property also owns the Class 1 Property separated by the alley from the unimproved real property.

“(3) Class 2 Property shall be comprised of commercial real property that is improved and occupied.

“(4) Class 3 Property shall be comprised of all real property which is not Class 1

Note,
§ 47-813

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Property or Class 2 Property.”.

(4) Subsection (d) is amended as follows:

(A) Strike the phrase “purposes of subsections (b), (c), (c-1), (c-2), (c-3), and (c-4)” and insert the word “purposes” in its place.

(B) A new paragraph (5) is added to read as follows:

“(5)(A) The term “occupied” shall not include improved real property that:

“(i) Is required to be registered under § 42-3131.06; or

“(ii) Could be registered under § 42-3131.06 but for the failure to meet the conditions under § 42-3131.07(a).

“(B) All other improved real property shall be deemed occupied.”.

(5) Subsection (d-1) is amended as follows:

(A) The lead-in text is amended by striking the phrase “purposes of (c-3) and (c-4) of this section” and inserting the phrase “purposes of this section” in its place.

(B) Paragraph (1) is repealed.

(C) Paragraph (3) is amended to read as follows:

“(3)(A) A rebuttable presumption that a real property is not occupied shall arise when a real property appears on the list compiled under § 42-3131.11. The Chief Financial Officer may require the owner, any person with legal or equitable title, and any person in the household of the owner to submit information that the Chief Financial Officer considers relevant to determine whether the real property remains occupied and entitled to the Class 1 Property or Class 2 Property classification.

“(B) Relevant information may include any of the following items:

“(i) A certificate of occupancy;

“(ii) Registration or claim of exemption filed with the Rent

Administrator;

“(iii) Water and sewer bills paid for the period of occupancy

claimed on the form;

“(iv) Gas bills paid for the period of occupancy claimed on the

form;

“(v) Electricity bills paid for the period of occupancy claimed on

the form;

“(vi) A lease agreement for the period of occupancy claimed on

the form;

“(vii) A sales tax return required by § 47-2015, for payment of

the tax imposed under § 47-2002(1); or

“(viii) Any other information that the Chief Financial Officer

considers relevant to the determination of the proper classification of the property.

“(C) To determine whether a real property is occupied, the Office of Tax and Revenue may request the Department of Consumer and Regulatory Affairs to inspect the real property to determine whether the real property is correctly included on the list compiled under § 42-3131.11. When so requested, the Department of Consumer and Regulatory Affairs shall report its findings to the Office of Tax and Revenue within 30 days of the request.”.

(D) A new paragraph (3A) is added to read as follows:

“(3A)(A) Except as provided in subparagraph (B) of this paragraph, the owner may petition or appeal any reclassification under this section in the same manner and to the same extent as a new owner under § 47-825.01(f-1)(1), regardless of the tax year involved or whether a prior petition or appeal had been filed for the tax year; provided, that the date notice

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of the reclassification is sent to the owner shall be deemed the date of transfer for purposes of the petition or appeal. The notice of reclassification sent under this subsection shall be in the form prescribed by the Chief Financial Officer, and may consist of a single bill and incorporate other deduction reversals, and shall not be deemed a proposed notice of assessment. The notice of reclassification shall include a general indication of the reason for the change in the classification and a statement explaining the right to appeal the reclassification. The petition or appeal filed under authority of this subparagraph shall be deemed to have been filed under § 47-825.01(f-1)(1). A notice of final determination issued in furtherance of this subparagraph shall not include the assessor's worksheets.

"(B)(i) The notice of reclassification shall be in the form prescribed by the Chief Financial Officer, and may consist of a single bill and incorporate other deduction reversals, and shall not be deemed a proposed notice of assessment. The notice of reclassification shall include a general indication of the reason for the change in the classification and a statement explaining the right to appeal the reclassification.

"(ii) The owner may petition for an administrative review of the reclassification under this section within 30 days from the notice of reclassification. This 30-day period may be extended by the Chief Financial Officer for an additional 30 days for reasonable cause as determined by the Chief Financial Officer. A notice of final determination issued under this subparagraph shall not include the assessor's worksheets. Within 30 days from a notice of final determination of the petition, the owner may appeal to the Board of Real Property Assessments and Appeals. A decision of the Board may be appealed under § 47-825.01(j-1).

"(iii) Notwithstanding subsection (d-1)(6) of this section, a reclassification under this section shall remain in effect for the entire tax year. When a real property is reclassified as Class 3 Property under this section, any deduction under §§ 47-850, 47-850.01 and 47-863 or credit under § 47-864 shall be rescinded for the entire tax year, notwithstanding any other provision of law.

"(iv) This subparagraph shall apply to a notice of reclassification before January 1, 2003 that determines real property to be Class 3 Property."

(E) Paragraph (4) is repealed.

(F) Paragraph (5)(A) is amended by striking the last sentence.

(6) Subsection (f)(1) is amended by striking the phrase "subsections (c), (c-1), (c-2), (c-3), and (c-4) of" both times it appears.

(c) Section 47-825.01 is amended as follows:

(1) Subsection (d)(5) is amended by striking the phrase "Class 5 property" wherever it appears and inserting the phrase "Class 3 Property" in its place.

(2) Subsection (e) is amended as follows:

(A) Strike the phrase "Class 2 Property, or Class 3 Property,".

(B) Strike the phrase "that property" and insert the phrase "Class 2 Property or Class 3 Property" in its place.

(3) Subsection (f-1)(1)(C) is amended as follows:

(A) Sub-subparagraph (ii) is amended by striking the word "or".

(B) Sub-subparagraph (iii) is amended by striking the period and inserting the phrase "; or" in its place.

(C) A new sub-subparagraph (iv) is added to read as follows:

Note,
§ 47-825.01

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“(iv) October 16 of the next succeeding tax year, file an appeal with the Board if the 60th day after the date of transfer of the real property occurs after July 1 of the tax year and no petition for an administrative review was filed by such July 1.”

(4) Subsection (h-1)(1) is amended by striking the phrase “or correct a real property classification”.

(5) Subsection (j-1) is amended by striking the phrase “for an administrative review under subsection (f-1)(1)(C)(iii) of this section and a good faith appeal to the Board” and inserting the phrase “or appeal under subsection (f-1)(1)(C)(iii) or (iv) of this section, respectively” in its place.

(d) Section 47-830(c-1)(2)(A) is amended by striking the phrase “any determination” and inserting the phrase “rationale for determination, if the assessment is raised or lowered” in its place. Note,
§ 47-830

(e) Section 47-850.02 is amended by adding a new subsection (b-1) to read as follows: Note,
§ 47-850.02
“(b-1) A denial of the deduction shall be subject to the provisions of § 47-813(d-1)(3A) to the same extent as a reclassification.”

(f) Section 47-863 is amended as follows: Note,
§ 47-863

(1) Subsection (b) is amended as follows:

(A) Paragraph (1)(B) is amended to read as follows:

“(B) If a deduction under § 47-850 is allowed, the deduction under this paragraph shall be computed by multiplying the tax rate by 50% of an amount equal to:

“(i) The estimated market value of the senior's household, less the deduction under § 47-850; or

“(ii) If a credit is received under § 47-864, 125% of the prior year's taxable assessment, less the deduction under § 47-850.”

(B) Paragraph (2)(A) is amended by striking the phrase “§ 47-850.01.” and inserting the phrase “§ 47-850.01; provided, that if a credit is received under § 47-864, 125% of the prior year's taxable assessment shall be deemed the estimated market value for purposes of this paragraph.” in its place.

(2) Subsection (f)(1) is amended by striking the phrase “decrease or”.

(3) A new subsection (f-1) is added to read as follows:

“(f-1) A denial of the deduction shall be subject to the provisions of § 47-813(d-1)(3A) to the same extent as a reclassification.”

(g) Section 47-872 is amended as follows: Note,
§ 47-872

(1) Subsection (a) is amended to read as follows:

“(a) For purposes of computing taxes on real property in the District of Columbia, Class 1 Property shall be allowed a credit against the tax imposed under § 47-811.”

(2) Subsection (b) is amended by striking the phrase “or a single dwelling unit that is owned by a member of a homeowners association if the condominium or”.

(h) Section 47-873 is amended as follows: Note,
§ 47-873

(1) Subsection (a) is amended to read as follows:

“(a) For purposes of computing taxes on real property in the District of Columbia, Class 1 Property owned by a cooperative housing association shall be allowed a credit against the tax imposed under § 47-811.”

(2) Subsection (b) is amended by striking the phrase “improved residential real property” both times it appears and inserting the phrase “Class 1 Property” in its place. Note,
§§ 42-3131.11
47-812,
47-813,
47-825.01,
47-830,

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Sec. 1304. Sections 1302 and 1303 shall apply as of October 1, 2002.

47-850.02,
47-863,
47-872,
47-873

Sec. 1305. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE XIV. INHERITANCE AND ESTATE TAX

Sec. 1401. Short title.

This title may be cited as the "Inheritance and Estate Tax Second Congressional Review Act of 2003".

Sec. 1402. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-3701(4), (5), and (6) is amended to read as follows:

Note,
§ 47-3701

"(4) "Federal credit" means:

"(A) For a decedent whose death occurs on or after April 1, 1987, but prior to January 1, 2002, the maximum amount of credit for state death taxes allowable by section 2011 of the United States Internal Revenue Code of 1954, approved August 6, 1954 (68A Stat. 3; 26 U.S.C. § 1 *et seq.*), as it existed on January 1, 1986.

"(B) For a decedent whose death occurs on or after January 1, 2002:

"(i) The maximum amount of credit for state death taxes allowed by section 2011 of the Internal Revenue Code;

"(ii) Any scheduled increase in the unified credit provided in section 2010 of the Internal Revenue Code or thereafter shall not apply and the amount of the unified credit shall be \$675,000; and

"(iii) An estate tax return shall not be required to be filed if the decedent's gross estate does not exceed \$675,000.

"(5) "Gross estate" means gross estate as defined in the Internal Revenue Code.

"(6) "Internal Revenue Code" means the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 *et seq.*), in effect for federal estate tax purposes on January 1, 2001, unless a different meaning is clearly required by the provisions of this chapter."

(b) Section 47-3705(a) is amended to read as follows:

Note,
§ 47-3705

"(a)(1) The personal representative of every estate subject to the tax imposed by this chapter shall file with the Mayor, within 10 months after the death of the decedent:

"(A) A return for the tax due under this chapter; and

"(B) A copy of the federal estate tax return, if any.

"(2) A return shall not be required to be filed if the gross estate does not exceed \$675,000."

Sec. 1403. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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TITLE XV. CLASSIFICATION AND COMPENSATION STUDIES FOR POLICE
AND FIRE AMENDMENT

Sec. 1501. Short title.

This title may be cited as the "Classification and Compensation Studies for Police and Fire Second Congressional Review Amendment Act of 2003".

Sec. 1502. Section 402(e) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.02(e)), is amended by striking the phrase "The Director of Personnel" and inserting the phrase "Subject to the availability of appropriations, the Director of Personnel" in its place. Note,
§ 1-604.02

Sec. 1503. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE XVI. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
FEES AND CHARGES AMENDMENT

Sec. 1601. Short title.

This title may be cited as the "Department of Consumer and Regulatory Affairs Fees and Charges Second Congressional Review Amendment Act of 2003".

Sec. 1602. Section 2 of An Act Relative to the control of wharf property and certain public spaces in the District of Columbia, approved March 3, 1899 (30 Stat. 1378; D.C. Official Code § 10-501.02), is amended as follows: Note,
§ 10-501.02

(a) The existing text is designated as subsection (a).

(b) A new subsection (b) is added to read as follows:

"(b) The wharfage fee is \$25 per day."

Sec. 1603. The District of Columbia Business Corporation Act, approved June 8, 1954 (68 Stat. 228; D.C. Official Code § 29-101.01 *et seq.*), is amended as follows:

(a) Section 12(b) (D.C. Official Code § 29-101.12(b)) is amended by striking the phrase "and a fee of \$10." and inserting the phrase "and a fee of \$15." in its place. Note,
§ 29-101.12

(b) Section 121 (D.C. Official Code § 29-101.121) is amended as follows: Note,
§ 29-101.121

(1) Subsection (b) is amended to read as follows:

"(b) The Mayor shall charge and collect the following fees:

"(1) Filing articles of incorporation, \$150;

"(2) Amendment to articles of incorporation or restated articles of incorporation, \$150;

"(3) Filing articles of merger or consolidation, \$150;

"(4) Filing articles of domestication, \$150;

"(5) Filing a statement of intent to dissolve, \$35;

"(6) Filing articles of reincorporation, \$150;

"(7) Filing articles of dissolution, \$75;

"(8) Filing a statement of change of address of registered office or change of registered agent, or both, \$35;

"(9) Filing a statement of the establishment of a series of shares, \$35;

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"(10) Filing an application of a foreign corporation a certificate of authority to transact business in the District and issuing a certificate of authority, \$200;

"(11) Filing an application for reservation of a corporate name or for a renewal of reservation, \$35;

"(12) Filing a notice of transfer of a reserved corporate name, \$35;

"(13) Filing an application of a foreign corporation for an amended certificate of authority to transact business in the District and issuing an amended certificate of authority, \$150;

"(14) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in the District, \$150;

"(15) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, \$35;

"(16) Filing an application for reinstatement of a domestic or foreign corporation and issuing a certificate of reinstatement, \$250;

"(17) Furnishing a certified copy of any document, instrument, report, or paper relating to a corporation, \$35;

"(18) Filing by a registered agent of a corporation of a statement of change of address of the registered agent, \$35, plus \$15 for each corporation, domestic or foreign, listed in the statement; and

"(19) Furnishing a certificate as to the status of a corporation, domestic or foreign, \$15, or as to the existence or nonexistence of facts or filings relating to corporations, domestic or foreign, \$30."

(2) Subsection (c)(1) is amended to read as follows:

"(c) An initial license fee is hereby imposed as follows:

"(1) Every domestic corporation upon the filing of its articles of incorporation shall pay, in addition to any other fees and charges imposed by this Act, the sum of \$.03 for each authorized share of its capital stock up to and including 10,000 shares and the sum of \$.02 for each additional authorized share up to and including 50,000 shares, and the sum of \$.01 for each additional authorized share in excess of 50,000 shares; provided, that if the articles of incorporation of a domestic corporation, authorizes par value shares having a par value per share other than \$100 per share, then, in respect to such shares only, the aggregate par value of all such shares shall be divided by the figure 100 and the quotient so obtained shall be the number of shares for the purpose of the initial license tax as to such shares; provided further, that the initial license fee shall not be less than \$35."

(3) Subsection (d) is amended to read as follows:

"(d) Each foreign and domestic corporation authorized to do business in the District of Columbia or organized, incorporated, or reincorporated under the provisions of this Act shall pay a 2-year report fee of \$750, which shall be paid at the time that the 2-year report, which is required of corporations under the provisions of this Act, is filed."

(c) Section 128 (D.C. Official Code § 29-101.128) is amended to read as follows:

"A corporation organized under this Act which fails or refuses to file the 2-year report required by this Act to be filed on April 15th of each year shall pay a penalty of \$35. A foreign corporation having a certificate of authority under this Act which fails or refuses to file the 2-year report required by this Act to be filed on April 15th of each year shall pay a penalty of \$75."

Note,
§ 29-101.128

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Sec. 1604. The District of Columbia Nonprofit Corporation Act, approved August 6, 1962 (76 Stat. 265; D.C. Official Code § 29-301.01 *et seq.*), is amended as follows:

(a) Section 11(b) (D.C. Official Code § 29-301.11(b)) is amended by striking the phrase "and a fee of \$10." and inserting the phrase "and a fee of \$15." in its place. Note,
§ 29-301.11

(b) Section 91 (D.C. Official Code § 29-301.91) is amended by striking the phrase "subject to a penalty of \$30" and inserting the phrase "subject to a penalty of \$40" in its place. Note,
§ 29-301.91

(c) Section 92(a) (D.C. Official Code § 29-301.92(a)) is amended to read as follows: Note,
§ 29-301.92

"(a) The Mayor shall charge and collect the following fees:

"(1) Filing articles of incorporation and issuing a certificate of incorporation, \$40;

"(2) Filing articles of amendment and issuing a certificate of amendment, \$35;

"(3) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, \$35;

"(4) Filing a statement of change of address or registered officer or change of registered agent, or both, \$30;

"(5) Filing articles of dissolution, \$40;

"(6) Filing an application for reservation of a corporate name or for a renewal of reservation, \$35;

"(7) Filing a notice of transfer of a reserved corporate name; \$35;

"(8) Filing a statement of election to accept this Act and issuing a certificate of acceptance, \$40;

"(9) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in the District and issuing a certificate of authority, \$40;

"(10) Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in the District and issuing an amended certificate of authority, \$35;

"(11) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to conduct affairs in the District, \$35;

"(12) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to conduct affairs in the District, \$35;

"(13) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, \$30;

"(14) Filing an application for reinstatement of a domestic or foreign corporation and issuing a certificate of reinstatement, \$40;

"(15) Filing any other statement or report, excluding a 2-year report, \$30;

"(16) Indexing each document filed, except a 2-year report, \$30;

"(17) Furnishing a certified copy of any document, instrument, or paper relating to a corporation, \$35;

"(18) Furnishing a certificate as to the existence or nonexistence of a fact relating to a corporation, except a certificate of good standing, \$30;

"(19) Filing a 2-year report of domestic or foreign corporation, \$75;

"(20) Furnishing a certificate of good standing, \$30; and

"(21) Filing an amended report, \$75."

Sec. 1605. The Limited Liability Company Act of 1994, effective July 23, 1994 (D.C. Law 10-138; D.C. Official Code § 29-1001 *et seq.*), is amended as follows:

(a) Section 13 (D.C. Official Code § 29-1012) is amended by striking the phrase "and a fee of \$10." and inserting the phrase "and a fee of \$15." in its place. Note,
§ 29-1012

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(b) Section 64(a) (D.C. Official Code § 29-1063(a)) is amended to read as follows:

Note,
§ 29-1063

“(a) The Mayor shall charge and collect the following fees:

“(1) For filing an application for registration as a foreign limited liability company, the fee shall be \$200;

“(2) For filing any one of the following, the fee shall be \$150;

“(A) Articles of organization or articles of merger;

“(B) Articles of amendment;

“(C) Articles of correction;

“(D) Articles of dissolution;

“(E) Articles of cancellation;

“(F) A certificate of correction referred to in section 57;

“(G) A copy of the document effecting a merger referred to in section 63;

and

“(H) Petition for reinstatement.

“(3) For filing any one of the following, the fee shall be \$35:

“(A) A statement of change of registered agent or change of the address of the registered office, or both;

“(B) An application to reserve or to renew the reservation of a name for use by a domestic or foreign limited liability company;

“(C) A notice of transfer of a name reserved for use by a domestic or foreign limited liability company; or

“(D) A statement of fictitious name by a foreign limited liability company.

“(4) For furnishing a certified copy of any document filed under this act with the Mayor, the fee shall be \$35.

(c) Section 66 (D.C. Official Code § 29-1065) is amended by striking the phrase “2-year registration fee of \$100,” and inserting the phrase “2-year registration fee of \$150,” in its place.

Note,
§ 29-1065

(d) Section 73 (D.C. Official Code § 29-1072) is amended by striking the phrase “shall pay a penalty of \$25.” and inserting the phrase “shall pay a penalty of \$75.” in its place.

Note,
§ 29-1072

Sec. 1606. Section 204(a) of the Rental Housing Conversion and Sale Act of 1980, effective September 28, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3402.04), is amended by striking the phrase “fee of 4%” and inserting the phrase “fee of 5%” in its place.

Note,
§ 42-3402.04

Sec. 1607. Section 47-2851.08(a)(1) of the District of Columbia Official Code is amended to read as follows:

Note,
§ 47-2851.08

“(1) The Center shall collect a fee of \$35 for each master business license it issues, plus \$10 for each endorsement added to the master business license.”.

Sec. 1608. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE XVII. DEPARTMENT OF MOTOR VEHICLES FEES ADJUSTMENT AMENDMENT

Sec. 1701. Short title.

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This title may be cited as the "Motor Vehicle Fee Adjustment Second Congressional Review Amendment Act of 2003".

Sec. 1702. Section 47-2842 of the District of Columbia Official Code is amended by striking the figure "\$50" and inserting the figure "\$78" in its place.

Note,
§ 47-2842

Sec. 1703. Section 12 of An Act To provide for the recording and releasing of liens by entries on certificates of title for motor vehicles and trailers, and for other purposes, approved July 2, 1940 (54 Stat. 739; D.C. Official Code § 50-1212), is amended by striking the figure "\$15" and inserting the figure "\$20" in its place.

Note,
§ 50-1212

Sec. 1704. The Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 120; D.C. Official Code § 50-1301.01 *et seq.*), is amended as follows:

(a) Section 3(a) (D.C. Official Code § 50-1301.03(a)) is amended by striking the figure "\$30" and inserting the figure "\$98" in its place.

Note,
§ 50-1301.03

(b) Section 5(a) (D.C. Official Code § 50-1301.05(a)) is amended by striking the figure "\$5" and inserting the figure "\$7" in its place.

Note,
§ 50-1301.05

Sec. 1705. An Act To provide additional revenue for the District of Columbia, and for other purposes, approved August 17, 1937 (50 Stat. 681; D.C. Official Code § 50-1501 *et seq.*), is amended as follows:

(a) Section 2(d) (D.C. Official Code § 50-1501.02(d)) is amended as follows:

Note,
§ 50-1501.02

(1) Paragraph (4)(c) is amended to read as follows:

"(c) A fee of \$7 shall be paid for each duplicate registration certificate issued, a fee of \$10 shall be paid for each replacement tag issued, and a fee of \$15 shall be for each dealer's proof of ownership certificate issued;"

(2) Paragraph (5) is amended as follows:

(A) Subparagraph (A) is amended by striking the figure "10" and inserting the figure "13" in its place.

(B) Subparagraph (B) is amended by striking the figure "10" and inserting the figure "13" in its place.

(b) Section 3(b) (D.C. Official Code § 50-1501.03(b)) is amended as follows:

Note,
§ 50-1501.03

(1) Paragraph (1)(A) is amended as follows:

(A) Strike the figure "\$55" and insert the figure "\$72" in its place,

(B) Strike the figure "\$88" and insert the figure "\$115" in its place;

(2) Paragraph (4) is amended by striking the figure "\$30" and inserting the figure "\$52" in its place.

Sec. 1706. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.01 *et seq.*), is amended as follows:

(a) Section 6 (D.C. Official Code § 50-2201.03) is amended as follows:

Note,
§ 50-2201.03

(1) Subsection (a)(4) is amended by striking the figure "\$75" and inserting the figure "\$98" in its place.

(2) Subsection (d) is amended by striking the phrase "\$20 fee for each titling and retitling," and inserting the phrase "\$26 fee for each titling, duplicate titling, and retitling," in its place.

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(b) Section 8(e)(2) (D.C. Official Code § 50-1401.02(e)(2)) is amended by striking the figure "\$250" wherever it appears and inserting the figure "\$338" in its place.

Note,
§ 50-1401.02

Sec. 1707. Title 18 of the District of Columbia Municipal Regulations is amended as follows:

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(a) Section 801 is amended as follows:

(1) Subsection 801.3 is amended by striking the phrase "five dollars (\$5.00)" and inserting the phrase "seven dollars (\$7.00)" in its place.

(2) Subsection 801.5 is amended by striking the phrase "five dollars (\$5.00)" and inserting the phrase "seven dollars (\$7.00)" in its place.

(b) Section 901.2 is amended by striking the phrase "fifty (\$50.00) dollars" and inserting the phrase "seventy-eight dollars (\$78.00)" in its place.

(c) Section 2415.3 is amended by striking the phrase "ten dollars (\$10)" and inserting the phrase "fifteen dollars (\$15)" in its place.

Sec. 1708. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE XVIII. TAX RATE REDUCTION MECHANISM

Sec. 1801. Short title.

This title may be cited as the "Tax Rate Reduction Mechanism Second Congressional Review Act of 2003".

Sec. 1802. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents for Subchapter IV-A is amended by adding a new section designation "47-368.03. Reduction on rate of certain excise taxes." at the end.

(b) A new section 47-368.03 is added to read as follows:

"§ 47-368.03. Reduction in rates for certain excise taxes.

"(a) For the purposes of this section, the amount identified in a revenue estimate shall exclude one-time revenue as certified by the Chief Financial Officer of the District of Columbia ("CFO").

"(b)(1) The rate of tax imposed under §§ 42-1103(a)(1), 42-1103(a)(3), and 47-903(a)(1) shall be reduced from 1.5% to 1.3% as provided under subsection (f) of this section, if the annual revenue estimate made in the 4th quarter of a fiscal year exceeds the annual revenue estimate incorporated in the approved financial plan and budget for the fiscal year by at least \$75 million.

"(2) If the rate of tax is reduced in accordance with paragraph (1) of this subsection, in any subsequent fiscal year, the rate of tax shall be further reduced from 1.3% to 1.1% as provided in subsection (f) of this section, if the annual revenue estimate made in the 4th quarter of a fiscal year exceeds the annual revenue estimate incorporated in the approved financial plan and budget for that fiscal year by at least \$75 million.

"(3) If the rate of tax is not reduced in accordance with paragraph (1) of this subsection, in any subsequent fiscal year, the rate of tax imposed under §§ 42-1103(a)(1), 42-1103(a)(3), and 47-903(a)(1) shall be reduced from 1.5% to 1.1%, if the annual revenue

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estimate made in the 4th quarter of a fiscal year exceeds the annual revenue estimate incorporated in the approved financial plan and budget for that fiscal year by at least \$87 million.

“(4) If the annual revenue estimate made in the 4th quarter of any fiscal year exceeds the annual revenue estimate in the approved financial plan and budget for that fiscal year by at least \$92.3 million, § 47-368.01(b) shall not apply.

“(c)(1) The rate of tax imposed under § 42-1103(a)(2) shall be reduced from 3.0% to 2.6% as provided in subsection (f) of this section, if the annual revenue estimate made in the 4th quarter of a fiscal year exceeds the annual revenue estimate incorporated in the approved financial plan and budget for that fiscal year by at least \$75 million.

“(2) If the rate of tax is reduced in accordance with paragraph (1) of this subsection, in any subsequent fiscal year, the rate of tax shall be further reduced from 2.6% to 2.2% as provided in subsection (f) of this section, if the annual revenue estimate made in the 4th quarter of a fiscal year exceeds the annual revenue estimate incorporated in the approved financial plan and budget for that fiscal year by at least \$75 million.

“(3) If the rate of tax is not reduced in accordance with paragraph (1) of this subsection, in any subsequent fiscal year, the rate of tax imposed under § 42-1103(a)(2) shall be reduced from 3.0% to 2.2% as provided in subsection (f) of this section, if the annual revenue estimate made in the 4th quarter of a fiscal year exceeds the annual revenue estimate incorporated in the approved financial plan and budget for that fiscal year by at least \$87 million.

“(d)(1) The rate of tax imposed under §§ 47-2501 and 47-3902 shall be reduced from 11% to 10%, if the annual revenue estimate made in the 4th quarter of a fiscal year exceeds the annual revenue estimate incorporated in the approved financial and budget plan for that fiscal year by at least \$105 million.

“(2) The rate of tax imposed under § 47-2501(d-1) shall be reduced from \$0.0077 to \$0.007, if the annual revenue estimate made in the 4th quarter of a fiscal year exceeds the annual revenue estimate incorporated in the approved financial plan and budget for that fiscal year by at least \$105 million.

“(e)(1) The CFO shall, within 30 days of determination of the annual revenue estimate made in the 4th quarter of a fiscal year, certify the variance from the annual revenue estimate in the approved financial plan and budget for that fiscal year and submit the certification to the Council and the Mayor.

“(2) If the variance results in a rate reduction in accordance with subsections (b), (c), or (d) of this section, the Mayor shall publish in the District of Columbia Register the new rate that shall apply.

“(f) A rate reduction in accordance with subsections (b), (c), or (d) of this section shall apply as of January 1 of the next fiscal year.”.

Sec. 1803. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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TITLE XIX. MEDICAID STATE PLAN AMENDMENT APPROVAL

Sec. 1901. Short title.

This title may be cited as the "Medicaid State Plan Amendment Approval Second Congressional Review Act of 2003".

Sec. 1902. Pursuant to section 1(a)(2) of An Act To enable the District of Columbia to receive Federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02(a)(2)), the Council of the District of Columbia approves the proposed amendments to the District of Columbia State Plan for Medical Assistance to authorize the Medicaid Program to remove the requirement that requires that rates paid to hospitals, nursing facilities, and intermediate care facilities for persons with mental retardation be adjusted annually for inflation; to add provisions that require that payments made to hospitals, nursing facilities, and intermediate care facilities for persons with mental retardation for inflation adjustments in subsequent fiscal years be contingent upon the availability of funds; to increase the pharmacy dispensing fee effective April 1, 2003; and to remove provisions authorizing payment exceptions to the cost ceilings applicable to nursing facilities; and to approve a waiver to the District of Columbia State Plan for Medical Assistance to expand coverage of its Medicaid Program to childless adults 50 to 64 years of age.

Sec. 1903. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE XX. HEALTH SERVICES PLANNING AND DEVELOPMENT
AMENDMENT

Sec. 2001. Short title.

This title may be cited as the "Health Services Planning and Development Second Congressional Review Amendment Act of 2003".

Sec. 2002. The Health Services Planning Program Re-Establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-401 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 44-401) is amended as follows:

(1) Paragraphs (4) and (6) are repealed.

(2) A new paragraph (6A) is added to read as follows:

"(6A) "Department" means the Department of Health."

Note,
§ 44-401

(b) Section 3 (D.C. Official Code § 44-402) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Designate the existing language as paragraph (1).

(B) A new paragraph (2) is added to read as follows:

"(2) Local revenues, not to exceed fees collected pursuant to section 21, shall be utilized to fund a maximum of 3 staff positions for SHPDA (Division Chief—Certificate of Need; Division Chief—Planning; and Secretary) in Fiscal Year 2003 for a period not to exceed March 1, 2003."

Note,
§ 44-402

(2) A new subsection (b-1) is added to read as follows:

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“(b-1)(1) The Director of the Department of Health shall convene a working group to develop recommendations to re-engineer the data collection, analysis, and certificate of need functions performed by SHPDA. The working group shall consist of the following:

- “(A) Two representatives from the Department;
- “(B) The Chairman of the Council, or his or her designee;
- “(C) The Chairman of the Council’s Committee on Human Services, or his or her designee;
- “(D) One representative from the Department of Mental Health;
- “(E) The Chairman of the Statewide Health Coordinating Council;
- “(F) The Chairman of the Mayor’s Health Policy Council;
- “(G) One representative from the DC Hospital Association;
- “(H) One representative from the Nursing Home Association;
- “(I) One representative from the DC Primary Care Association;
- “(J) Two public representatives to be appointed by the Director of the Department of Health; and
- “(K) The Deputy Mayor for Children, Youth, Families and Elders, or his or her designee.

“(2) The recommendations of the working group shall be submitted to the Council by no later than February 1, 2003.”

(c) Section 4(c) (D.C. Official Code § 44-403(c)) is amended as follows:

Note,
§ 44-403

- (1) Paragraph (6) is amended by adding the word “and” at the end.
- (2) Paragraphs (7) and (8) are repealed.

(d) Section 21 (D.C. Official Code § 44-420) is amended by striking the phrase “1% of the proposed capital expenditure or \$2,000, with a maximum of \$25,000” and inserting the phrase “3% of the proposed capital expenditure or \$5,000, with a maximum of \$300,000” in its place.

Note,
§ 44-420

(e) A new subsection 22a is added to read as follows:

“Sec. 22a. Applicability.

“This act is subject to the availability of appropriations.”

Sec. 2003. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE XXI. BAIL REFORM AMENDMENT

Sec. 2101. Short title.

This title may be cited as the “Bail Reform Second Congressional Review Act of 2003”.

Sec. 2102. Section 23-1321(c)(1)(B)(xi) of the District of Columbia Official Code is amended to read as follows:

Note,
§ 23-1321

“(xi) Return to custody for specified hours following release for employment, schooling, or other limited purposes, except that no person may be released directly from the District of Columbia Jail or the Correctional Treatment Facility for these purposes;”.

Sec. 2103. Fiscal impact statement.

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The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE XXII. EXTENSION OF EXPEDITED COUNCIL CONTRACT REVIEW AMENDMENT

Sec. 2201. Short title.

This title may be cited as the "Extension of Expedited Council Contract Review Period Second Congressional Review Amendment Act of 2003".

Sec. 2202. Section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), is amended as follows: Note,
§ 2-301.05a

(a) Subsection (a) is amended by striking the phrase "(or executive independent agency)" and inserting the phrase "or executive independent agency or instrumentality" in its place.

(b) Subsection (j)(1) is amended by striking the phrase "(or executive independent agency)" and inserting the phrase "or executive independent agency or instrumentality" in its place.

(c) Section (j)(5) is amended by striking the phrase "2002" and inserting the phrase "2004" in its place.

Sec. 2203. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE XXIII. ANTI-GRAFFITI AMENDMENT

Sec. 2301. Short title.

This title may be cited as the "Anti-Graffiti Second Congressional Review Amendment Act of 2003".

Sec. 2302. Section 4a of the Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982, effective June 12, 2001 (D.C. Law 13-309; D.C. Official Code § 22-3312.03a), is amended as follows: Note,
§ 22-3312.03a

(a) Subsection (b) is amended to read as follows:

"(b) Subject to the availability of annual appropriations, the Mayor shall provide graffiti removal services to abate graffiti on public property. Subject to the availability of annual appropriations, the Mayor shall provide graffiti removal services for the abatement of graffiti on private property that is visible from the public right-of-way for a fee of \$125 per hour, if the property owner first executes a waiver of liability in the form prescribed by the Mayor."

(b) Subsection (c) is amended by striking the phrase "removal services" and inserting the phrase "removal services for a fee of \$125 per hour" in its place.

(c) Subsection (d) is amended as follows:

(1) Paragraph (1)(C) is amended by striking the phrase "receive, without charge, the Mayor's graffiti removal services" and inserting the phrase "receive the Mayor's graffiti removal services for a fee of \$125 per hour" in its place.

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(2) Paragraph (3) is amended by striking the phrase "receive, without charge, the Mayor's graffiti removal services," and inserting the phrase "receive the Mayor's graffiti removal services for a fee of \$125 per hour," in its place.

(3) Paragraph (6) is amended by striking the phrase "including all administrative, personnel, and material expenses," and inserting the phrase "including the graffiti removal fee of \$125 per hour, and all administrative, personnel, and material expenses," in its place.

(d) Subsection (e) is amended as follows:

(1) Strike the phrase "receive, without charge, graffiti removal services from the Mayor," and insert the phrase "receive graffiti removal services from the Mayor for a fee of \$125 per hour," in its place.

(2) Strike the phrase "receive, without charge, graffiti removal services from the Mayor." and insert the phrase "receive graffiti removal services from the Mayor for a fee of \$125 per hour." in its place.

(e) Subsection (g) is amended by adding a new paragraph (1A) to read as follows:

"(1A) Fees collected as the removal service fees under this section shall be deposited into the General Fund of the District of Columbia."

Sec. 2303. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE XXIV. COLLEGE SAVINGS PROGRAM

Sec. 2401. Short title.

This title may be cited as the "College Savings Program Second Congressional Review Act of 2003".

Sec. 2402. Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents for Chapter 45 is amended as follows:

(1) Strike the section designation "§ 47-4505. Administration of the Program." and insert the section designation "§ 47-4505. Administration and initial implementation of the Program." in its place.

(2) Strike the section designation "47-4508. Residency requirement." and insert the section designation "47-4508. Repealed." in its place.

(b) Section 47-4501 is amended as follows:

(1) Paragraph (2) is amended by striking the word "individual" and inserting the phrase "individual or organization" in its place.

(2) Paragraph (4) is amended to read as follows:

"(4) "Designated beneficiary" shall have the same meaning as in section 529(e)(1) of the Internal Revenue Code."

(3) Paragraph (5) is amended to read as follows:

"(5) "Eligible institution" shall have the same meaning as "eligible educational institution" in section 529(e)(5) of the Internal Revenue Code."

(4) Paragraph (7) is amended to read as follows:

"(7) "Member of the family" shall have the same meaning as in section 529(e)(2) of the Internal Revenue Code."

Note,
§ 47-4501

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(5) Paragraph (8) is amended to read as follows:

"(8) "Program" means the District of Columbia College Savings Program established under § 47-4502, including the Trust established therewith."

(6) Paragraph (9) is amended to read as follows:

"(9) "Qualified higher education expenses" shall have the same meaning as in section 529(e)(3) of the Internal Revenue Code.

(7) New paragraphs (11) and (12) are added to read as follows:

"(11) "Trust" means the District of Columbia College Savings Program Trust established under § 47-4502.

"(12) "Trustee" means the trustee of the District of Columbia College Savings Program Trust."

(c) Section 47-4502 is amended to read as follows:

Note,
§ 47-4502

"There is established the District of Columbia College Savings Program, which authorizes the creation of college savings accounts to enable residents of the District of Columbia to benefit from the tax incentives provided for qualified tuition programs under the Internal Revenue Code. The Program shall be established as a trust and designated as the District of Columbia College Savings Program Trust. The District of Columbia College Savings Program Trust shall constitute an instrumentality of the District of Columbia. The Chief Financial Officer, or his or her designee, upon lawful delegation, shall serve as the Trustee of the District of Columbia College Savings Program Trust. The Trust shall continue in existence as long as it holds any deposits, payments, contributions, or other funds or has any obligations and until its existence is terminated by law. The Trust shall receive and hold all payments, deposits, and contributions intended for the Trust, gifts, bequests, endowments, federal and local grants, and any other funds from any public or private source, and all earnings thereon, until disbursed in accordance with this chapter. All amounts or funds deposited and held in the Trust shall constitute assets of the Trust and shall not be commingled with or revert to the general, special, emergency, or temporary funds of the District of Columbia at the end of any fiscal year or at any other time."

(d) Section 47-4503 is amended as follows:

Note,
§ 47-4503

(1) Subsection (a) is amended by adding a new sentence to read as follows: "An account shall not be held jointly."

(2) Subsection (f) is amended by adding a new sentence to read as follows:

"A change in the designated beneficiary of an account shall not be treated as a withdrawal, if the new beneficiary is a member of the family of the former beneficiary."

(3) Subsection (g) is amended to read as follows:

"(g) An account owner may transfer all or a portion of the balance of an account to another account under the Program or into another qualified tuition program for the benefit of the designated beneficiary or a member of the family of the designated beneficiary in accordance with procedures established by the Chief Financial Officer. A transfer to another qualified tuition program to the credit of the same designated beneficiary shall be treated as a withdrawal, if the transfer occurs within 12 months from the date of a previous transfer."

(4) Subsections (h) through (k) are repealed.

(5) Subsection (m) is amended by adding a new sentence to read as follows: "This restriction shall be interpreted in accordance with applicable guidance issued by the Internal Revenue Service under section 529 of the Internal Revenue Code."

(e) Section 47-4504(a) is amended by adding a new sentence to read as follows:

Note,
§ 47-4504

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"After the Program begins accepting contributions by Account Owners, the Advisory Board, upon notification from the Chief Financial Officer, shall meet at least annually to advise the Chief Financial Officer on the administration of the Program."

(f) Section 47-4505 is amended as follows:

Note,
§ 47-4505

(1) The section designation is amended to read as follows:

"§ 47-4505. Administration and initial implementation of the Program."

(2) Subsection (a) is amended to read as follows:

"(a) The Chief Financial Officer shall take such action as may be necessary to effectuate the Trust, issue regulations with respect to the Program, and in connection therewith, the Trust, and otherwise initiate the implementation and administration of the Program consistent with this chapter. The Chief Financial Officer shall continue to administer and maintain the Program in a manner to ensure that the Program continues to qualify as a qualified tuition program under section 529 of the Internal Revenue Code of 1986."

(3) Subsection (c) is amended as follows:

(A) Paragraph (12) is amended by striking the period and inserting a semi-colon in its place.

(B) A new paragraph (13) is added to read as follows:

"(13) Delegate any and all duties, obligations, responsibilities, rights, and powers assigned and granted to the Chief Financial Officer under this chapter to the Trustee to be carried out and exercised in his or her capacity as Trustee."

(g) Section 47-4506(c) is repealed.

(h) Section 47-4508 is repealed.

(i) Section 47-4509 is amended to read as follows:

"(a) An account owner who files an income tax return in the District of Columbia may claim a deduction in an annual amount not to exceed \$3,000 for contributions made to all accounts under the Program. With respect to married individuals filing a joint return, each married individual may claim a deduction in an annual amount not to exceed \$3,000 for contributions made to all accounts under the Program for which the married individual is the account owner.

"(b) If an amount greater than \$3,000 is contributed to one or more accounts in a tax year, the excess may be carried forward as a deduction, subject to the annual limit, for 5 years.

"(c) Any deduction taken under this section shall be subject to recapture with respect to a withdrawal or rollover taken within 2 years of the establishment of the account for any reason other than provided in subsection (d) of this section. In addition, notwithstanding the statute of limitations on assessments in § 47-912, any deduction taken under this section shall be subject to recapture in the taxable year in which the withdrawal or rollover is made after 2 years of the establishment of the account for any reason other than provided in subsection (d) of this section or to transfer to another qualified tuition program.

"(d) Deductions taken under this section shall not be subject to recapture as provided in subsection (c) of this section if:

- (1) The funds are used to pay for qualified higher education expenses;
- (2) The beneficiary dies, becomes disabled, or receives a scholarship;
- (3) The beneficiary receives a scholarship; provided, that the exemption shall be limited to the amount of the scholarship; or
- (4) The funds are transferred to another account maintained under the Program.

Note,
§ 47-4506
Note, Repeal
§ 47-4508
Note,
§ 47-4509

ENROLLED ORIGINAL

"(e) Subject to subsection (f) of this section, earnings on accounts shall be exempt from District of Columbia income taxation.

"(f) Qualified withdrawals shall be exempt from District of Columbia income taxation. The portion of any other withdrawal that is attributable to account earnings shall be subject to District of Columbia income taxation in the year in which the withdrawal is made."

(j) Section 47-4512(b)(1) is amended by striking the word "Council" and inserting the phrase "Council and the Advisory Board" in its place.

Note,
§ 47-4512

Sec. 1403. Fiscal impact statement.

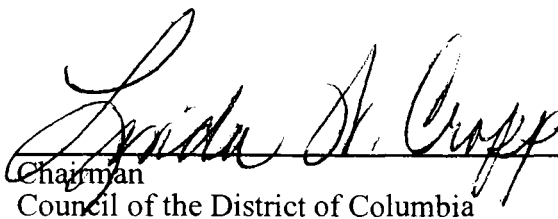
The Council adopts the fiscal impact statement in the committee report for Bill 14-892, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

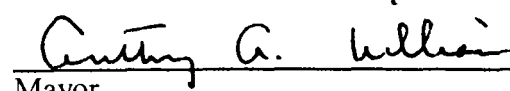
TITLE XXV. APPLICABILITY

This act shall apply as of May 26, 2003.

TITLE XXVI. EFFECTIVE DATE

Sec. 2501. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED
June 20, 2003

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-104

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 20, 2003*Codification
District of
Columbia
Official Code*

2001 Edition

2003 Fall
Supp.West Group
Publisher

To reform, on an emergency basis, the existing procedures for the removal and disposition of abandoned, dangerous, and other illegally parked or stored vehicles on public space or private property by reducing the time periods for the removal and disposition of such vehicles, streamlining the notice process, clarifying the procedures for reclaiming such vehicles, providing for criminal penalties for persons who place a reclaimed abandoned vehicle or a purchased salvage-only vehicle on public space and private property; and to amend the Revised Statutes of the District of Columbia, the District of Columbia Traffic Act, 1925, the District of Columbia Abandoned and Junk Vehicle Removal Amendment Act of 1989, the District of Columbia Motor Vehicle Parking Facility Act of 1942, An Act To prohibit parking vehicles upon public or private property in the District of Columbia without the consent of the owner of such property, and Title 18 of the District of Columbia Municipal Regulations to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Removal and Disposition of Abandoned, Dangerous and Other Unlawfully Parked Vehicles Reform Emergency Act of 2003".

Sec. 2. Definitions.

For purposes of this act, the terms:

(1) "Abandoned vehicle" means any motor vehicle, trailer, or semitrailer that is left, parked, or stored on public space for more than 24 hours or on private property for more than 30 days, and to which at least 2 of the following apply:

- (A) The vehicle is extensively damaged, including fire damage;
- (B) The vehicle is apparently inoperable, including a vehicle missing its transmission, motor, or one or more tires, and which is not undergoing emergency repair;
- (C) The vehicle serves as harborage for rats, vermin, and other pests; or
- (D) The vehicle does not display valid tags or a valid registration sticker.

(2)(A) "Dangerous vehicle" means any vehicle that poses an imminent hazard to the public health, safety, or welfare, including a vehicle that serves as harborage for rats, vermin, and other pests, has exposed glass or metal shards, or in which a child may become trapped.

(B) The Director is authorized to promulgate rules to further define the attributes of a dangerous vehicle.

(3) "Department" means the Department of Public Works.

(4) "Director" means the Director of the Department of Public Works.

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(5) "Impounded by the Department" means any vehicle in the custody of the Department of Public Works or stored at a private storage facility at the direction of the Department as a result of the vehicle:

(A) Having been removed from its location for:

(i) Violating section 3;
(ii) Having 2 or more unsettled notices of infraction against it, as authorized by section 6(k) of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(k)); or
(iii) Having been parked in violation of a traffic regulation other than overtime parking of less than 24 hours, as authorized by 18 DCMR §2421; or

(B) Having been transferred from the custody of the Metropolitan Police Department to the custody of the Department of Public Works.

(6) "Motor vehicle" or "vehicle" means any device designed to be propelled by an internal-combustion engine, electricity, or steam.

(7) "Physical characteristics of an abandoned vehicle" means any 2 of the conditions set forth in paragraph (1) of this section.

(8) "Private property" means real property, including real property owned or under the jurisdiction of the District of Columbia, other than public space.

(9) "Public space" means all the property owned or under the jurisdiction of the District of Columbia, between lines on a street, as such property lines are shown on the records of the Surveyor of the District of Columbia, and includes any roadway, tree space, sidewalk, or parking between such property lines.

(10) "Unclaimed vehicle" means an impounded motor vehicle not reclaimed within the applicable time periods set forth in section 8.

Sec. 3. Unlawful acts.

It shall be a violation of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*), for any person to park, leave unattended, or store:

(1) An abandoned or dangerous vehicle on public space;

(2) Any motor vehicle on private property without the consent of the property owner; or

(3) An abandoned or dangerous vehicle on private property, even with the consent of the property owner, unless the vehicle is:

(A) Kept in a lawful enclosed structure or building completely shielded from the view of individuals on the adjoining properties; or

(B) Lawfully stored or kept on the property of a business engaged in the lawful repair, storage, salvage, or disposal of vehicles.

Sec. 4. Removal of abandoned and dangerous vehicles from public space; penalties.

(a) The District government, or any towing company at the direction of the Department may remove an abandoned or dangerous vehicle parked, left, or stored on public space in violation of section 3(1), as follows:

(1) An abandoned vehicle may be removed 24 hours after a warning notice has been conspicuously placed on the vehicle. The warning notice may be placed at the first sighting of a vehicle that meets the physical characteristics of an abandoned vehicle. The

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warning notice shall indicate the date and time it was placed and the date and time that the District is authorized to remove, impound, or dispose of the vehicle if the vehicle is not moved.

(2) A dangerous vehicle may be immediately removed without the placement of a warning notice.

(b) If more than one basis exists for removing a vehicle, whether stated in this act or in any other law or regulation, the shortest removal period shall apply, including removal without a warning notice.

(c) No vehicle may be removed from public space pursuant to this section until a notice of infraction is conspicuously placed on the vehicle.

(d) Except as provided in this section, it shall be unlawful for any person, except the owner, a person authorized by the owner in writing, an employee of the District government in connection with the performance of official duties, or a tow crane operator who has valid authorization from the District government, to do any of the following:

(1) Tamper with, remove, or attempt to tamper with or remove any vehicle owned by another person;

(2) Tamper with, remove, or attempt to tamper with or remove any vehicle that is on public space and to which a District government warning notice that relates to the removal of the vehicle has been affixed; or

(3) Remove, mutilate, or attempt to remove or mutilate the warning notice.

(e) Any person violating the provisions of subsection (d) of this section, shall be prosecuted by the Office of the Corporation Counsel, and shall be punished by a fine of not more than \$500, imprisonment of not more than 90 days, or both.

Sec. 5. Removal of abandoned, dangerous, and unlawfully parked vehicles from private property.

The District government or any towing company at the direction of the Department may remove a motor vehicle parked, left, or stored, on private property in violation of section 3(2) or (3), as follows:

(1) A vehicle parked, left, or stored without the consent of the property owner may be removed immediately after a notice of infraction is issued and conspicuously placed on the vehicle.

(2) A dangerous vehicle may be removed, with or without the consent of the property owner, immediately after a notice of infraction is issued and conspicuously placed on the vehicle.

(3)(A) An abandoned vehicle may be removed, with or without the consent of the property owner, 45 days after a warning notice has been mailed by first class mail to the last known address of the property owner, as indicated on the records of the Office of Tax and Revenue.

(B) The warning notice shall, at a minimum, indicate the make and model of the vehicle, the date that the vehicle was observed on the property, and the date that the District is authorized to remove, impound, or dispose of the vehicle if the vehicle remains unenclosed on the property.

(C) The warning notice may be mailed after the first sighting of a vehicle that meets the physical characteristics of an abandoned vehicle. A notice of infraction shall be conspicuously placed on the vehicle prior to its removal.

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Sec. 6. Post-removal disposition of certain vehicles without further notice.

Except for vehicles removed after traffic accidents, the Department may, without further notice, dispose of a vehicle removed from the public space or private property pursuant to any District law or regulation, if the vehicle meets the physical characteristics of an abandoned vehicle; and one of the following 2 circumstances apply:

- (1) The vehicle does not display a valid vehicle identification number or proof of valid registration; or
- (2) Although displaying a valid vehicle identification number, the vehicle's registration expired at least 60 days prior to its removal.

Sec. 7. Impoundment of vehicles, notice to owners and lienholders.

(a) The Director is authorized, in his or her discretion, to impound any vehicle removed from public space or private property pursuant to any District law or regulation. A vehicle subject to impoundment may be taken to a District government impoundment facility, or a storage lot owned or operated by a towing company, as shall be determined by the Department.

(b) Except for vehicles disposed of pursuant to section 6, the Department shall send an impoundment notice, by first class mail, to the last known address of the owners of record of the vehicle, and any lienholders of record, as that information is indicated in the records of the Department of Motor Vehicles or in the records of the appropriate agency of the jurisdiction where the vehicle is registered.

(c) Except as may be otherwise provided by the Director, the impoundment notice required by subsection (b) of this section shall be mailed no later than 5 days after any vehicle is received at an impoundment or storage facility and shall:

(1) Describe the year, make, model, and vehicle identification number of each vehicle;

(2) Indicate the reason why the vehicle was impounded;

(3) If impounded for violating section 3, indicate the nature of the violation;

(4) Advise the owner and lienholders of the procedures for reclaiming the vehicle and the applicable reclamation period for doing so; and

(5) Warn the owner and lienholders that the vehicle will be sold, or otherwise disposed of, if those procedures are not completed by the expiration of the reclamation period.

(d) If the address of the owner or lienholders cannot be determined, the Department shall publish an impoundment notice in a newspaper of general circulation in the District within 10 days after a vehicle is received at an impoundment or storage facility. If the mailed notice is returned as undeliverable within 14 days after mailing, an impoundment notice shall also be published. The published notice may contain a listing of more than one vehicle and shall:

(1) Describe the year, make, model, and vehicle identification number of the vehicle;

(2) Provide a telephone number or website address that will inform the owner or lienholders of the vehicle reclamation procedures; and

(3) Indicate the date by which the vehicle must be reclaimed.

(e) For the purposes of section 205 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2302.05), the mailing of the impoundment notice shall constitute service of the notice of infraction for violations of this act. The notice of infraction shall be considered issued, within the meaning of section 205, on the 5th day after the impoundment notice is mailed.

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Sec. 8. Vehicle reclamation periods.

(a) An impounded abandoned motor vehicle removed from public property, or any impounded vehicle that meets the physical characteristics of an abandoned vehicle removed from public property, shall be reclaimed within 14 days after the date of the impoundment notice sent pursuant to section 7(b).

(b) An impounded abandoned motor vehicle removed from private property, or any impounded vehicle that meets the physical characteristics of an abandoned vehicle removed from private property, shall be reclaimed within 28 days after the date of the impoundment notice sent pursuant to section 7(b).

(c) All other vehicles impounded pursuant to this act, or pursuant to any other law or regulation, shall be reclaimed within 28 days after the date of the impoundment notice sent pursuant to section 7(b).

(d) If the address of the owner and lienholders of an impounded vehicle is unknown, the vehicle shall be reclaimed within 14 days after the publication date of reclamation notices published pursuant to section 7(d).

Sec. 9. Procedures for reclaiming impounded vehicles; lien; penalties.

(a) An owner or lienholder, or a person duly authorized by either, may reclaim an impounded vehicle at any time prior to the expiration of the applicable reclamation period, by:

(1) Appearing at the Department of Motor Vehicles;

(2) Answering all outstanding notices of parking infractions for the vehicle, other than those tickets deemed admitted pursuant to section 305(d)(2) of the Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2303.05(d)(2));

(3) Attending a hearing, to be held within one working day of the answer, for all infractions that are denied;

(4) Paying any booting fee and all outstanding fines and penalties for infractions for which liability has been admitted, deemed admitted, or sustained after hearing;

(5) Furnishing proof of entitlement to possession of the vehicle; and

(6) Paying to the District government, or the towing company, as directed by the Department, a towing fee of \$100 and a storage fee of \$20 per day; provided, that the towing fee shall be \$275 and a storage fee of \$20 per day shall be imposed if the size or the weight of the impounded vehicle requires the Department or an outside contractor to use special equipment to tow the vehicle.

(b) Fines and penalties due for parking tickets issued to a vehicle and the towing and storage fee charges due pursuant to subsection (a)(6) of this section shall constitute a continuing lien against the impounded motor vehicle. The lien thus created shall be an automatic lien, which is perfected as of the first date that the fines, penalties, or fees are due and shall be a prior and preferred claim over all other liens.

(c) Any person who has paid a fine for parking, storing, or leaving an abandoned or dangerous vehicle on public space, and who, after reclaiming the vehicle, thereafter again parks, stores, or leaves that vehicle on public space in violation of section 3(1), shall be prosecuted by the Office of the Corporation Counsel, and shall be punished by a fine of not more than \$500, imprisonment of not more than 90 days, or both.

Sec. 10. Disposal of unclaimed vehicles; penalties; auction admission fees.

(a) The Department may, consistent with reasonable business practices, sell or otherwise dispose of an unclaimed vehicle.

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(b) If an unclaimed vehicle is sold at a public auction or through other means pursuant to subsection (a) of this section, the purchaser shall take title to the vehicle free and clear of all liens and claims of ownership by others, receive a sales receipt, and be entitled, upon application and the payment of all applicable fees, to a certificate of title and registration; provided, that all other eligibility requirements are met.

(c) The Department shall retain from the proceeds of the sale or disposition of any vehicle an amount that represents reimbursement for the costs of sale, the costs of towing and storing the vehicle, the costs of furnishing notice and other related enforcement activities, the payment of such liens as were declared null and void, and the remainder shall be deposited in the Abandoned and Junk Vehicle Division Fund established by section 5 of the District of Columbia Abandoned and Junk Vehicle Removal Amendment Act of 1989, effective September 9, 1989 (D.C. Law 8-24; D.C. Official Code § 50-2404).

(d) Except for vehicles enclosed on private property or located on the property of a business engaged in the lawful repair, storage, salvage, or disposal of vehicles, any person who purchases a vehicle that has been sold for salvage only from the Department, and who, thereafter, leaves, stores, or parks the vehicle on public space or private property, shall be guilty of a misdemeanor prosecuted by the Office of the Corporation Counsel, and shall be subject to a fine for each offense not to exceed \$5,000, imprisonment for a period not to exceed one year, or both.

(e) The Director is authorized to establish a non-refundable cost-based auction admission fee. The proceeds from this fee shall be used to offset the costs of all vehicle auctions held on that day, and the remainder shall be deposited in the Abandoned and Junk Vehicle Division Fund established by section 5 of the District of Columbia Abandoned and Junk Vehicle Removal Amendment Act of 1989, effective September 9, 1989 (D.C. Law 8-24; D.C. Official Code § 50-2404).

Sec. 11. Owners and lienholders remedy.

An owner or lienholder who fails to reclaim a vehicle within the time prescribed shall nevertheless be entitled to recover the fair market value of any vehicle disposed of pursuant to this act if:

- (1) The owner or lienholder requests a hearing with respect to the notices of infractions that provided the basis for the impoundment of the vehicle;
- (2) The hearing is requested within 60 days after the issuance of the notices of infraction;
- (3) A hearing examiner dismisses the notices of infraction or finds no liability; and
- (4) The owner or lienholder establishes the vehicle's fair market value by a preponderance of the evidence; provided, that if the District has sold the vehicle, the price paid by a good faith purchaser, other than the owner, shall establish a rebuttable presumption of the fair market value of the vehicle.

Sec. 12. Rulemaking authority.

The Directors of the Department of Public Works ("DPW") and the Department of Motor Vehicles ("DMV") are authorized, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1986 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), to promulgate, amend or repeal rules, or establish or modify cost-based fees that are within the scope of their individual authority in order to implement the provisions of this

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act, through separate or joint rulemakings. If the District enters into contracts with towing companies, or other contractors, that provide for such companies to receive full or salvage title to unclaimed vehicles, the Director of DPW or the DMV may promulgate rules to implement the transfers consistent with the provisions of this act.

Sec. 13. Conforming amendments.

(a) Section 417(e) of the Revised Statutes of the District of Columbia, approved September 1, 1916 (D.C. Official Code § 5-119.10(e)), is repealed.

Note,
§ 5-119.10

(b) Section 6(k) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(k)), is amended as follows:

Note,
§ 50-2201.03

(1) Paragraph (2) is amended by striking the first sentence and inserting a new sentence in its place to read as follows: "The notice, reclamation, and disposition procedures set forth in sections 6 through 10 of the Removal and Disposition of Abandoned and other Unlawfully Parked Vehicles Reform Emergency Act of 2003, passed on an emergency basis on June 3, 2003 (Enrolled version of Bill 15-298) shall apply to any vehicle impounded pursuant to this section."

(2) Paragraph (3) is repealed.

(3) Paragraph (4) is amended by striking the second and third sentences.

(c) The District of Columbia Abandoned and Junk Vehicle Removal Amendment Act of 1989, effective September 9, 1989 (D.C. Law 8-24; D.C. Official Code § 50-2401 *et seq.*), is amended as follows:

(1) Section 2 (D.C. Official Code § 50-2401) is amended to read as follows:

Note,
§ 50-2401

"Sec. 2. Definitions.

For the purposes of this act, the terms used shall have the same meaning as those defined in section 2 of the Removal and Disposition of Abandoned and other Unlawfully Parked Vehicles Reform Emergency Act of 2003, passed on an emergency basis on June 3, 2003 (Enrolled version of Bill 15-298)."

(2) Section 3(a) (D.C. Official Code § 50-2402(a)) is amended as follows:

Note,
§ 50-2402

(A) The first sentence is amended as follows:

(i) Strike the phrase "any abandoned or junk vehicle" and insert the phrase "any abandoned or dangerous vehicle" in its place.

(ii) Strike the word "highway" and insert the word "space" in its place.

(B) Paragraph (1) is amended to read as follows:

"(1) Determine whether the vehicle is an abandoned or dangerous vehicle in accordance with section 2 of the Removal and Disposition of Abandoned and other Unlawfully Parked Vehicles Reform Emergency Act of 2003, passed on an emergency basis on June 3, 2003 (Enrolled version of Bill 15-298);"

(C) Paragraph (3) is amended to read as follows:

"(3) Place or mail, as applicable, the appropriate warning notice described in sections 4 and 5 of the Removal and Disposition of Abandoned and other Unlawfully Parked Vehicles Reform Emergency Act of 2003, passed on an emergency basis on June 3, 2003 (Enrolled version of Bill 15-298);"

(D) Paragraph (4) is amended by adding the phrase "or dangerous" after the word "abandoned".

(E) Paragraph (5) is amended to read as follows:

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"(5) Mail the impoundment notice required by section 7(b) of the Removal and Disposition of Abandoned and other Unlawfully Parked Vehicles Reform Emergency Act of 2003, passed on an emergency basis on June 3, 2003 (Enrolled version of Bill 15-298) to the owner and lienholders of any impounded vehicle;"

(F) Paragraph (6) is amended to read as follows:

"(6) Sell or dispose of unclaimed impounded vehicles, including all items of personal property left therein, pursuant to section 10 of the Removal and Disposition of Abandoned and other Unlawfully Parked Vehicles Reform Emergency Act of 2003, passed on an emergency basis on June 3, 2003 (Enrolled version of Bill 15-298);"

(G) Paragraphs (7) and (8) are repealed.

(3) Section 4 (D.C. Official Code § 50-2403) is repealed.

Note, Repeal
§ 50-2403

(d) Section 2(6) and (7) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 93, ch. 76; D.C. Official Code 50-2602(6) and (7)), is repealed.

(e) An Act To prohibit parking vehicles upon public or private property in the District of Columbia without the consent of the owner of such property, approved January 15, 1942 (56 Stat. 5; D.C. Official Code § 50-2621 *et seq.*), is amended as follows:

Note, Repeal
§§ 50-2621,
50-2622,
50-2623
Note,
§ 50-2624

(1) Sections 1, 1a, and 1b (D.C. Official Code §§ 50-2621, 50-2622, and 50-2623) are repealed.

(2) Section 2 (D.C. Official Code § 50-2624) is amended by striking the phrase "section 1" wherever it appears and inserting the phrase "the Removal and Disposition of Abandoned Unlawfully Parked Vehicles Reform Emergency Act of 2003, passed on an emergency basis on June 3, 2003 (Enrolled version of Bill 15-298)" in its place.

(f) Title 18 of the District of Columbia Municipal Regulations, is amended as follows:

DCMR

(1) Subsection 2405.4 is repealed.

(2) Subsection 2411.1 is amended by adding a second and third sentence to read as follows: "Any vehicle that does not display a valid residential parking permit sticker and which remains parked on a residential parking permit street for more than seventy-two (72) hours shall be subject to removal. The notice, reclamation, and disposition procedures set forth in Sections 6 through 10 of the Removal and Disposition of Abandoned and other Unlawfully Parked Vehicles Reform Emergency Act of 2003, passed on an emergency basis on June 3, 2003 (Enrolled version of Bill 15-298) shall apply to any vehicle removed pursuant to this section."

(3) Section 2421 is amended as follows:

(A) Subsection 2421.2 is amended to read as follows:

"2421.2 The notice, reclamation, and disposition procedures set forth in sections 6 through 10 of the Removal and Disposition of Abandoned and other Unlawfully Parked Vehicles Reform Emergency Act of 2003, passed on an emergency basis on June 3, 2003 (Enrolled version of Bill 15-298) shall apply to any vehicle impounded pursuant to this section."

(B) Subsections 2421.3, 2421.4, 2421.5, and 2421.6 are repealed.

(4) Section 2601.1 is amended as follows:

(A) The following new fines are added to read as follows:

"Abandoned vehicle on public space or
private property.....First Offense \$250

Second offense same owner \$500

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Third and subsequent offense same owner
\$1,000"

"Abandoned vehicle with solid waste or
rat harborage.....\$100 in addition to fine for Abandoned
Vehicle"

"Dangerous vehicle on public space or
private property.....First Offense \$250

Second offense same owner \$500
Third and subsequent offense same owner
\$1,000"

"Dangerous vehicle with solid waste or
rat harborage.....\$100 in addition to fine for Abandoned
Vehicle"

"Private Property, vehicle on without
consent of property owner.....\$25".

(B) The fine entitled "Overtime 72 consecutive hours on roadway" is
repealed.

(C) The fine entitled "Public and Private property" is repealed.

Sec. 14. Effect of the repeal of provisions.

Any repeal of a law or regulation by this act shall not invalidate any enforcement action, adjudication, or any other action made or taken pursuant to such law or regulation.

Sec. 15. Applicability

This act shall apply to all vehicles impounded after its effective date. This act shall also apply to all vehicles impounded prior to its effective date provided that notice is sent to the owners and lien holders in accordance with the provisions of subsections 7(b) or (c), as is applicable.

Sec. 16. Fiscal impact statement.

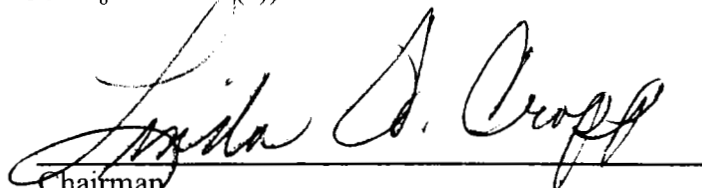
The Council adopts the fiscal impact statement in the committee report for Bill 15-78 as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

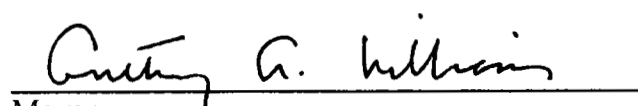
Sec. 17. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED
June 20, 2003